

FEDERAL HIGHWAY ADMINISTRATION
And
STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
CITY OF ROCHESTER

**ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL ASSESSMENT
WORKSHEET UPDATE
&
REQUEST FOR FINDING OF NO SIGNIFICANT IMPACT**


For

State Project: 159-080-12
Minnesota Project: STP 5504(103)
City Project: M074 (J9708)

OVERLAND DRIVE
From 65TH ST. NW and BANDEL ROAD NW to CR 112 (18TH AVE. NW) in
City: ROCHESTER, in County: OLMSTED of Minnesota
Sections 4, 9, and 10, Township 107, Range 14

**Construction of approximately 1.1-mile segment of new three-lane urban roadway,
reconstruction of 1100 feet of 65th Street NW and realignment of 1200 feet of Bandel Road**

Recommended for approval by:

 3/22/04
Richard W. Freese Date
Rochester City Engineer

Steven Kirsch Date
District 6 State Aid Engineer

Approved by:

Division Director Date
State Aid for Local Transportation, MnDOT

FHWA – Project Development Engineer Date

Overland Drive EA/EAW Update

INTRODUCTION

To satisfy the requirements of both the federal Environmental Assessment (EA) process and the Minnesota Environmental Assessment Worksheet (EAW) process, this document merges four elements into this EA/EAW Update:

1. Revisions to the EA/EAW
2. Findings of Fact, Conclusions of Law, and Order for a Negative Declaration
3. Responses to Comments on the EA/EAW
4. Request for Finding of No Significant Impact

This EA/EAW Update has been prepared to meet the requirements in state and federal rule and according to the technical guidance provided by the Minnesota Department of Transportation (MnDOT), the Minnesota Environmental Quality Board (MEQB), and the Federal Highway Administration (FHWA).

1. REVISIONS TO THE EA/EAW

Revisions to the EA/EAW incorporated below are in response to input received during the public availability period. The structure of the EA/EAW was utilized to incorporate the revisions. Where necessary to provide context, the original, unchanged language was also incorporated. The EA/EAW Update reflects changes in the proposed action based on the comments received. No additional impacts or mitigation measures are necessary as a result of the changes to the EA/EAW.

Page ii – Project Map

The original document states construction of 65th Street NW and Bandel Road will begin in 2005. Construction could occur as soon as the summer/fall of 2004. The timeframe for reconstruction of 65th Street NW and Bandel Road is dependent on factors outside the control of the City of Rochester. The schedule is largely dependant upon the availability of federal funds and some coordination and staging issues associated with the ROC 52 project. This clarification applies to the entire document.

Page 1 - **REPORT PURPOSE**; Project Description

The project description has been slightly modified, as follows:

New construction in Rochester, MN of Overland Drive (a 1.1-mile, three-lane urban collector roadway), from 65th St. NW to County Road 112. This project will include new construction of 500 ft. of 65th St. NW between Overland Drive and the eastern terminus of the ROC 52 project. As part of the ROC 52 project, the remaining 650 ft. of 65th St. NW westerly to TH 52 will be reconstructed between Overland Drive and TH 52. All of 65th St. NW will be a four-lane arterial roadway. Finally, realignment and reconstruction of 1200 ft. of Bandel Road, a three-lane urban collector roadway, will also take place as a related, but separate project. Construction of all segments will occur in 2004 or 2005, depending on staging needs of the ROC 52 project.

Overland Drive is being classified under the federal functional classification system as an urban collector. The arterial classification used in the original EA/EAW was based on the ROCOG roadway classification system. It is not uncommon for designations given to roadways in the federal functional classification system to differ from designations in the long range ROCOG

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Thoroughfare Plan. Since this EA/EAW is a federal document as well as a state document, the federal classification system should be used. Therefore, Overland Drive should be classified as an urban collector throughout the entire document.

Page 2 – PURPOSE AND NEED FOR PROJECT

2nd Paragraph: The source of the information in this paragraph is the “65th Street NW Interchange Justification Request” completed in July 2003 by ROCOG and the City of Rochester.

3rd Paragraph: The paragraph states “Overland Drive has been identified by the Rochester Olmsted Council of Governments (ROCOG) as an arterial in their August 2000 Long Range Thoroughfare Plan.” The ROCOG Long Range Thoroughfare Plan has been updated and is now dated July 2003. The ROCOG designation of Overland Drive remains unchanged between the 2000 and 2003 versions. FHWA functional classification criteria define Overland Drive as an urban collector.

3rd Paragraph: The paragraph also states “Overland Drive will provide an alternative route to and from the existing large lot, low density residential area east of CR 112.” The residential area is classified on the Olmsted County Land Use Plan Map as “25 Year Urban Service Area”. See Attachment 1.

4th Paragraph: The paragraph states “The land immediately east of CR 112 has been designated as a ‘Resource Protection Area’ by the Rochester-Olmsted Planning Department.” This statement should read “The land immediately east of CR 112 from 55th Street NW on the south to 65th Street NW on the north is classified as “25 year Urban Service Area.” Land surrounding the 25 Year Suburban Service Area on the north and east is classified as “Suburban Development Area.” See Attachment 1.

5th Paragraph: Completely replace the paragraph with the following text, “The project also includes a minor realignment of Bandel Road. Construction may begin in 2004 or 2005 depending on ROC 52 project staging. The realignment is necessary to provide direct continuation with the future frontage/backage road north of 65th Street. The realignment also leaves land available for the possibility of a future interchange.”

Page 3 – ALTERNATIVES

The following paragraphs should be inserted after the title.

“Three key organizations have had planning-level responsibilities associated with the ultimate designation of the scope of the Overland Drive project assessed in this EA/EAW. The City’s commitment to early and thorough coordination and communication regarding Overland Drive is demonstrated by the extensive discussions with and between these groups over the last five years.

The Rochester-Olmsted Council of Governments (ROCOG) is a transportation policy board consisting of citizens and elected officials that have been appointed as official members to represent the City of Rochester, Olmsted County, area Townships, the area School Districts, and area small cities. City and County Planning and Public Works staff members participate as non-members providing technical guidance. Representatives from MnDOT and the FHWA are also

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invited to participate in this same role. One primary goal of ROCOG is the production of the ROCOG Transportation Plan (Plan), which includes the Long-Range Thoroughfare Plan as a component of that Plan. MnDOT has no approval authority for this Plan, but has ample opportunity to provide guidance during its development and formally comment once a draft is made available publicly. In addition to also having the opportunity to provide guidance and comments, FHWA has approval authority for the Plan in terms of verifying that the ROCOG planning process meets federal rules. The general alignment for the future Overland Drive was first presented in ROCOG's 2001 Currently Held Valid Thoroughfare Plan, referenced in the 2002-2004 State Transportation Improvement Program, which was approved by FHWA.

The Transportation Technical Advisory Committee (TTAC) provides transportation recommendations to ROCOG. MnDOT, City and County Planning staff and City and County Public Works staff members have voting rights on TTAC. FHWA is invited to participate as a non-member to provide technical guidance. Discussions concerning the purpose and need for, and possible alignments of what has become Overland Drive began with the TTAC in 1999. Early on, an extension of 65th St. NW directly to the east was discounted as being unfeasible for the following reasons:

- Intersecting steep slopes with shale outcrops at nine locations across the east-west alignment would present significant engineering challenges and environmental impacts related to ground water discharge/recharge functions and the disruption of four intact wooded corridors and the undisturbed riparian habitat adjacent to the Zumbro River.
- A due east extension would intercept platted and developed large lot residential areas (designated as Suburban Development Areas [SDA] in the Olmsted County Land Use Plan) one-half mile east of Bandel Road. From that point eastward, all the land is either developed, platted, or designated as SDA all the way to TH 63. Most of this land is not available for annexation into the City at this time. In addition to the increased complexity of right-of-way acquisition issues, a trip generation density of only 3 trips per acre would not cost-effectively support construction of a road on this alignment.
- A due east alignment would require the installation of a bridge across the Zumbro River, an additional cost factor. A river bridge already exists at 75th St. NW and a new river bridge crossing has been proposed for many years along a 55th St. NW extension alignment to TH63. These two east-west corridors crossing the Zumbro River at a spacing of approximately 2 miles apart are sufficient to serve the population density projected between these two locations.
- The future alignment of Overland Dive should encourage, through its alignment, eastbound traffic to take advantage of the proposed future river crossing along the 55th Street NW alignment.
- To serve as an urban roadway, it was recommended that the alignment pass through lands, preferably vacant, designated for urban development with a trip generation density capacity of 30 to 50 trips per acre. This criteria improved cost-effectiveness and reduced right-of-way dedication issues.

The following factors were fundamental in establishing viable alignment alternatives for further consideration.

- Reduction, to the maximum extent possible, of environmental impacts (e.g., steep slopes, intact habitat, wetlands, and river impacts).

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- Reduction, to the maximum extent possible, of social impacts (e.g., disruption through platted or developed areas)
- Maximization of trip generation density (e.g., alignments that provided for urban development on both sides of the roadway).
- Vacant land designated for urban development.

Three route alternatives meeting these criteria were presented for consideration to the TTAC in January 2000. The MnDOT District 6 Planner was a participant in these discussions. One of three alignments was selected by the group as the preferred general alignment to undergo additional alternatives analysis. Ultimately, eight additional alternative alignments for the selected route were established for further discussion before selecting alignments for environmental review.

Two of the eight alignments prepared by the TTAC were moved forward as the most reasonable alternatives for official environmental assessment, along with the no build alternative. Both build alternatives have termini at the eastern terminus of the ROC 52 project on 65th Street NW and CR 112 based on the Overland Drive termini depicted in the approved Transportation Plan and the project scope approved for federal funding by the ATP. This EA/EAW evaluates the potential impacts of the proposed construction of those specific construction alignments. Compatibility with other plans, including the ROCOG Transportation Plan, and cumulative potential impacts of related and future projects are addressed in EAW Sections 27 and 29, respectively.”

The District 6 Area Transportation Partnership (ATP) is a group made up MnDOT staff along with representatives from 11 cities and 11 counties within MnDOT’s District 6. Their primary purpose is to evaluate transportation projects throughout District 6 and prioritize them so that recommendations for federal funding can be made. The first submittal of Overland Drive for consideration of funding by the ATP took place in February 2001. In July 2002, the ATP approved an allotment of \$1.2 million of federal funds for Overland Drive in FY2004. This allotment was included in the 2003-2005 State Transportation Improvement Program as Sequence # 824. It was carried forward to the 2004-2006 State Transportation Improvement Program as Sequence # 707. In October 2003, the ATP approved an additional allocation of \$274,000 in federal dollars to the Overland Drive project.

Page 3 – North Connection Alternative; 2nd Paragraph:

The original document states “Although Overland Drive will be built in 2004, it will not connect to 65th St. NW until 2005 construction is complete. The 2005 construction...” Replace with “Overland Drive is slated for construction in 2004 or 2005. 65th Street and Bandel Road may be constructed in 2004 or 2005 depending on coordination with the ROC 52 project. Overland Drive will connect to 65th St. NW, but will not extend westerly over TH 52 until ROC 52 related construction of the 65th St. NW overpass is completed in 2005.”

Page 5 - SOCIAL, ECONOMIC, AND ENVIRONMENTAL IMPACTS

The following sections summarize the social, economic, and environmental impacts listed in the original EA/EAW.

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Endangered Species

Per the DNR, the project will have no impact on endangered species. See the DNR comments attached regarding Blanding's Turtle and Elktote Mussel.

4(f)/6(f)

There are no 4(f) or 6(f) properties located on the project. No impacts.

National Historic Preservation Act

A determination of No Effect has been made by Mn/DOT and concurred by SHPO.

Farmland Protection Policy Act

The project will impact 3.0 acres of prime or unique farmland.

Air Quality

The project will not significantly impact air quality.

Noise

A noise analysis indicated that noise levels will not exceed FHWA criteria except for one site located one-third of a mile away from the project on CR 112, where the ambient noise levels are already higher under current conditions. Future noise levels at that site are the same for the build and no build alternatives.

An analysis of the benefits of constructing a noise wall adjacent to Overland Drive showed only one area that could realize a reduction in noise levels by 5 dBA. However, since no FHWA criteria are exceeded in that area, the noise wall will not be built. The City has two conditions required of new residential development to address future noise levels: developers are required to dedicate a noise/air space easements to the City at the time of platting and the City also requires that the homes in these areas be constructed to meet HUD standards for interior noise levels.

Wetlands

No wetlands will be impacted by the project.

Right-of-Way

Twenty acres of land and six property owners will be impacted by the project.

Page 7 – Section 6c, Description; 2nd Paragraph: Replace the paragraph with the following language. “The beneficiaries of the project are the residents of Rochester and Olmsted County who use 55th Street NW and 75th Street NW, along with future residents of the developments between TH 52 and CR 112 and along CR 112.”

Page 15 – Section 21, –Traffic: Increased traffic volumes will also impact CR 112 between Overland Drive and 55th St. NW. The extra traffic will increase delays for traffic entering CR 112 from the four residences served by Trapper Lane. A bypass lane will be added for northbound traffic on CR 112 that will serve as a right turn lane for traffic entering Trapper Lane. Traffic leaving Trapper Lane that is southbound on CR 112 will cross an additional traffic

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lane. When traffic levels warrant, a Signal Justification Report will be completed to determine if a traffic signal is needed at the intersection of Trapper Lane, Overland Drive and CR 112. Until that time, stop signs will control traffic entering onto CR 112.

Page 17 – Section 27, Compatibility with plans and land use regulations: Replace the paragraph with the following language. “This roadway will provide an east-west traffic route for new commercial and residential developments in this area. This type of development and use is consistent with the City of Rochester and Olmsted County land use plans that identify the project area as an urban growth area.

The ROCOG Transportation Plan incorporates the Thoroughfare Plan that identifies Overland Drive as an arterial roadway. This designation is consistent with ROCOG’s forecast ADT count of over 10,000 vehicles per day. The three-lane cross-section plan for Overland Drive is consistent with ROCOG’s design guidance of 3 or 4 lanes to serve this volume of traffic. The road will be constructed as a 52-foot wide urban roadway and initially stripped as a three-lane road. The 52-foot roadway width will facilitate a 4-lane pavement stripping lane arrangement if warranted in the future. Adding an east-west route between 55th St. NW and 75th St. NW is consistent with the need to provide for traffic from new development and to direct traffic toward the 55th St. NW arterial roadway, the alignment that is planned for a new river crossing in the future.”

Page 18 – Section 29, Cumulative Impacts

3rd Paragraph: The paragraph states “The construction of this roadway will provide a needed east/west connection between CR 112 and Bandel Road for the area bounded by 55 St. NW on the north and 75th St. NW on the south.” It should state “...area bounded by 55th St. NW on the south and 75th St. NW on the north.”

4th Paragraph: This paragraph is deleted and replaced with “The design and alignment of Bandel Road will be coordinated with the ROC52 project. The realignment of Bandel Road will facilitate the City’s plans for the construction of a future frontage / backage road between 65th Street NW and 75th Street NW. Although no interchange components are included with this project and study, it is prudent planning and a wise use of resources to align Bandel Road to a location that could accommodate frontage and backage roads and interchange ramps if an interchange on TH 52 at 65th Street NW is approved in the future.”

New 5th Paragraph: The construction of Overland Drive will, of necessity and by design, intersect with roadways and affect neighboring roadways in the transportation network. The preparation of the ROCOG Thoroughfare Plan is the means by which traffic forecasts are modeled to evaluate and plan for cumulative traffic impacts on the entire transportation network. Under the ROCOG functional classification system, the planned construction of Overland Drive as an arterial sets the stage for the future arterial upgrades that are designated for Bandel Road south to 55th St. and 65th St. NW west to CSAH 3. Under the federal functional classification system, Overland Drive, Bandel Road, and CR 112 are all designated as urban collectors, feeding into larger minor arterials to the north, south and west. The absence of an east-west arterial to the east of CR112 between 75th St. NW and 55th St. NW is not due to an absence of

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planning for cumulative impacts. Rather, the past development density assigned by the County through this area is insufficient to warrant an arterial road under either classification system.”

Page 20 – Social Impacts: Add “Residents living in four homes along Trapper Lane may experience additional delays entering CR 112 due to the additional bypass lane.”

Page 22 – Informational Process:

Replace the first paragraph with the following: “The Overland Drive project benefits from the public involvement steps that have already taken place as part of the City’s formal development review process for three developments located along the proposed roadway. In addition to opportunities for public input that are inherent to Rochester’s extensive development review and approval process, the three neighboring developments have also completed the EAW process, which provided for additional input during the 30-day public comment period. Although these comment opportunities did not specifically identify or encourage comments about Overland Drive, the proposed roadway was identified as an eventual access to the developments.”

Page 24 – Public Comment Period and Public Hearing: Delete all references to a public hearing. Since a public hearing was not required, a public informational meeting was held in lieu of a Public Hearing on March 4, 2004. As required, the meeting was advertised in the local newspaper (the Rochester Post-Bulletin on February 19, 2004) and in the Minnesota Environmental Quality Board (MEQB) *Monitor* on March 1, 2004. The Affidavit of Publication from the Post-Bulletin and a copy of the MEQB published notice are included as Attachment 2. Beyond the minimum requirements, the City of Rochester sent letters announcing the public meeting to individual property owners on either side of Overland Drive. One person attended the public information meeting and no written comments were received during the meeting.

Based on the discussions at that meeting with a Cascade Township Board member who is also a Trapper Lane resident, additional letters were sent by the City to the four other property owners along Trapper Lane to notify them of the project, summarize information about the project, direct them to locations where they could review the EAW, and to encourage their participate in the public comment period using the form provided with the letter.

2. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR A NEGATIVE DECLARATION

The City of Rochester staff has prepared an EA/EAW for the proposed project pursuant to federal and state environmental review requirements (42 USC 4332 and MN Stat. 116D). Based on public agency(s) staff environmental review, comments and information received during the comment period, preparation of the EA/EAW Update, and other information in the City’s record, the City of Rochester hereby makes the following Findings of Fact, Conclusions of Law, and Order for a Negative Declaration.

FINDINGS OF FACT

Procedural History

1. The project, per se, has no prior permit history or environmental review prior to this EA/EAW. Environmental review in nearby projects has occurred with three development proposals and the reconstruction of TH 52.

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2. The EA/EAW was prepared by the City of Rochester as RGU according to state and federal environmental review requirements, including publishing the EA/EAW Notice of Availability, holding a 30-day public comment period, and preparing responses to comments received during this time. The City's responses to comments are hereby incorporated into the EA/EAW Update.

Community Involvement Process

- Three development proposals adjacent to the proposed Overland Drive have undergone the development review process and the EAW process, both of which provided opportunities for public comment on the need for and alignment of Overland Drive.
- Project funding is reaffirmed by the City Council each year during the adoption of its six-year Capital Improvement Program. The budget adoption process consists of 2-3 public meetings, at least one of which is a Public Hearing that present additional opportunities to comment on proposed capital projects, such as Overland Drive.
- This EA/EAW had a public comment period between February 16 and March 17, 2004.
- A public meeting advertised in the EQB Monitor, the Rochester Post Bulletin, and through individual mailings to property owners adjacent to Overland Drive was held on March 4, 2004.
- A subsequent mailing to property owners along Trapper Lane provided additional opportunity for comment prior to close of the EA/EAW comment period.

Proposed Project Description

New construction in Rochester, MN of Overland Drive (a 1.1-mile, three-lane urban collector roadway), from 65th St. NW to County Road 112. This project will include new construction of 500 ft. of 65th St. NW between Overland Drive and the eastern terminus of the ROC 52 project. As part of the ROC 52 project, the remaining 650 ft. of 65th St. NW westerly to TH 52 will be reconstructed between Overland Drive and TH 52. All of 65th St. NW will be a four-lane arterial roadway. Finally, realignment and reconstruction of 1200 ft. of Bandel Road, a three-lane urban collector roadway, will also take place as a related, but separate project. Construction of all segments will occur in 2004 or 2005, depending on staging needs of the ROC 52 project.

The project description was modified in the EA/EAW Update to add the completion of 500 ft. of 65th St. NW at the western terminus of Overland Drive to the Overland Drive project to insure that a connection to the contracted construction/project limits of the ROC 52 project is made. This additional 500-foot segment was evaluated in the EA/EAW as part of the related 65th St. NW/Bandel Road construction. Only the construction staging/sequencing for 500 ft. segment of 65th St. NW has been changed.

Three integrated organizations (TTAC, ROCOG, and the ATP) had a coordinated role in evaluating the alternatives and termini used to define the proposed project. Four key criteria were identified, from which 11 alternative alignments were evaluated. Two of those alignments and the no build alternative were brought forward for EA/EAW evaluation. Eligibility for and approval of federal funding for the project is confirmed in the 2003-2005 and 2004-2006 State Transportation Improvement Programs.

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Summary of Findings Regarding Social, Economic, and Environmental Impacts

The following social, economic, and environmental issues associated with the proposed project were identified and addressed in the EAW:

1. Project construction will convert 20 acres of agricultural land, lawn/landscaped area, woods, and grasslands to a roadway that will serve urban development in an area designated as part of Rochester's 25-Year Urban Service Area.
2. The MN DNR has concluded that the project will not affect any of the rare species that have known occurrences within 1 mile of the project area. No federal threatened, endangered or candidate species occur within the project area and will therefore not be impacted.
3. There are no impacts on water use or water resources, including wetlands.
4. The project area contains three highly erodible soil types that will be disturbed as part of construction. NPDES permit requirements will be followed to control erosion and sedimentation, including the use of BMPs appropriate for these soil and slope conditions.
5. Because the project will increase the amount of impervious surface, the increase in storm water runoff will be collected in a storm water conveyance system and directed to in place water quality treatment ponds located near the project area to reduce impacts to the South Fork of the Zumbro River and its tributaries.
6. No wastewater or liquid animal manure will be generated as part of this project.
7. Depth to bedrock (Prairie du Chein limestone) is between 0 and 50 ft, but depth to groundwater ranges from approximately 80 to 150 ft. No sinkholes have been identified on site and the probability of sinkhole occurrence is low to low-moderate.
8. No above or below ground storage tanks exist along the route; hazardous wastes will not be produced, but spill containment and control plans for any hazardous materials used during construction will be the responsibility of the contractor; minimal amounts of construction debris will be created and will be managed at permitted solid waste management facilities.
9. Increased traffic (projected 10,160 ADT in 2024) will be managed through appropriate roadway design and installation of needed traffic controls. EPA's screening method and MnDOT's conformity requirements do not indicate a need for additional air quality analysis.
10. Construction-related noise and dust will be temporary and managed through standard noise and dust control specifications and ordinances that control hours of operation.
11. There are no Section 106 impacts on historical, architectural, or archaeological resources. There are no designated parks, recreation areas, trails, scenic views and vistas, visual impacts, or other unique resources present. Therefore, there are no Section 4(f) issues.
12. Three acres of prime/unique farmland were identified, but they are non-contiguous parcels and not within an agricultural preserve. Due to their size, location, and relative agricultural value, avoidance of these areas is impractical.
13. The project is compatible with existing City and County land use plans, transportation and thoroughfare plans, and land use regulations.
14. Beyond that described above, no additional utilities, infrastructure or public services are needed to serve the project.
15. Cumulative impacts will result from residential and commercial development that will be served by the project. These impacts are accounted for in the City and County land use plans, transportation and thoroughfare plans, and addressed through land use regulations.

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16. Minor impacts to the Trapper Lane neighborhood are expected. A relocated access to the five parcels along Trapper Lane will be addressed through the construction of a northbound bypass lane and a southbound right turn lane. The bypass lane will serve as a right turn for entrance to Trapper Lane from the south and as an acceleration lane for northbound exits. Similarly, the right-turn lane will serve southbound traffic entering Overland Drive from the north without impeding southbound traffic on CR 112. Trapper Lane will be moved 75 ft. north to improve intersection safety and regarded to improve the incline to the intersection.
17. A 10 ft. bike trail will be constructed on both sides of Overland Drive in consideration of pedestrian and bicycle traffic. These trails will connect into the Rochester bike trail system as delineated in the 1999 ROCOG Long Range Bicycle Plan.
18. There are no minority or low-income populations in this area and therefore no environmental justice issues associated with disproportionately high or adverse human health or environmental impacts to them.
19. The project will have a minimal impact on the agricultural economy due to a loss of agricultural land that will be offset by a larger, positive impact resulting from urban growth.
20. One building site will be impacted by the realignment of Bandel Road. Other vacant land will be dedicated or acquired as right-of-way. Both impacts will be offset through property purchase or right-of-way agreements.
21. No noise mitigation is required as a function of this project.

Additional Concerns Described in Comment Letters

The following list summarizes the additional concerns raised during the comment period and references the associated Findings that address those comments. Complete responses to comments are contained in Section 3 below.

- The type and speed of traffic on CR 112 and its impact on the new location, elevation, and access plan for Trapper Lane. See Findings #9, 10, and 16 above.
- Increases in impervious surface result in storm water management needs; techniques should be considered to promote groundwater recharge in addition to insuring that NPDES Phase II construction storm water permit requirements are properly implemented. See Findings #4 and 5 above.
- Contractors should be alert to the possible presence of Blanding's Turtles and the need to exercise due diligence in sediment control to prevent downstream sedimentation to the Zumbro River that could impact Elktoe Mussel habitat. See Finding #2 above.
- The utility of Overland Drive needs to be demonstrated separate from the ROC 52 improvements, but coordination of project limits and timing between the projects is necessary; in particular, to clarify that an overpass is planned for 65th St. NW over TH 52 and an interchange at that location has not yet been formally approved. See Finding #15 and the Findings of Fact - Proposed Project Description.
- Functional classifications for Overland Drive need clarification; the ROCOG and federal functional classification systems assign different classifications. See the Findings of Fact - Proposed Project Description.
- Expanded study and planning for transportation needs in this area is needed; in particular, a frontage road west of TH 52 and an arterial connection east of CR 112 to address

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congestion issues. Without this, the scope of this EA/EAW is inadequate and the alternatives analysis incomplete. See the Findings of Fact - Proposed Project Description.

- Funding eligibility is questionable without a STIP reference. See the Findings of Fact - Proposed Project Description.

Criteria for Determining the Potential for Significant Environmental Effects

Under MN Rules 4410.1700 subp. 1, the RGU must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects that are reasonably expected to occur. In deciding whether a project has the potential for significant environmental effects, the City must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in MN Rules 4410.1700, subp. 7. These criteria are the:

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects of related or anticipated future projects;
- C. Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. Extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EIS's.

City of Rochester Findings With Respect to Each of These Criteria

The following table summarizes the type, extent, and reversibility of reasonable expected impacts and the extent to which each is subject to mitigation by ongoing public regulatory authority for the project as proposed. The City of Rochester finds that the project as proposed does not have the potential for significant impact in any of these areas based on the type, extent, and reversibility of the impacts that are reasonably expected to occur. The City further finds that ongoing public regulatory authority is sufficient to address the impacts that were identified as reasonably expected to occur, as noted below.

Type of impact	Extent of impact	Reversibility	Mitigation
Land conversion	Along roadway	Permanent	None – consistent with Land Use Plans
Highly erodible soils	Along roadway	Temporary	NPDES permit and implementation of appropriate BMPs
Increased impervious area	Along roadway	Permanent	Storm water management BMPs as per the City Storm Water Management Plan and ordinances
Increased traffic	Along roadway	Permanent	Roadway design and traffic controls as dictated by MnDOT and FHWA standards and as integrated with ROCOG Thoroughfare Plan
Construction-related noise and dust	Along roadway	Temporary	Hours of operation ordinance; language in specifications to control noise and odors

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Trapper Lane access	Intersection of Trapper Lane and Overland Drive	Permanent	Added turn/acceleration lanes, selected intersection alignment, and improved access grade as provided in the design plans.
Pedestrian/Bicycle safety	Along roadway	Permanent	Construction of trails on both sides of Overland Drive as provided in the design plans.
Agricultural Economy	In Urban Service Area	Permanent	None; offset by economic gains associated with urban growth
Displacement of existing residents due to ROW acquisition	Along roadway	Permanent	Purchase of one occupied parcel; remaining ROW needs are from vacant land to be acquired through dedication, purchase or easement
Cumulative impacts due to road construction	In Urban Service Area	Permanent	None – consistent with Land Use Plans and Transportation Plan

Cumulative potential effects of residential and commercial development facilitated by this roadway will extend throughout this portion of the Urban Service Area as provided under the City and County Land Use Plans. Individual developments that meet environmental thresholds will need to independently complete EAWs to address their particular environmental impacts. Similarly, traffic impacts on neighboring roadways from this project are addressed in long range, comprehensive roadway network planning as outlined in the ROCOG Thoroughfare Plan. The City of Rochester finds that reasonably expected cumulative potential effects of related or future projects will not be significant.

Other available environmental studies were reviewed during the preparation of this EA/EAW, including the TH 52 EIS/EAW Update and three EAW's prepared for nearby residential developments by the Rochester-Olmsted Planning Department. The information contained therein was considered in conjunction with the impacts identified in this EA/EAW. Mitigation proposed above is consistent with the types and extent of mitigation proposed in those related projects. Additional environmental effects or mitigation measures beyond that already identified in the 5 aforementioned environmental reviews would not be expected with further environmental review or study. Additionally, the process of designing and constructing roadways is routine. The community of professional engineers involved in design and construction, as well as regulators associated with such construction, are very familiar with the principles of environmentally protective design and construction. There are no elements of the project that pose the potential for significant impacts that cannot be addressed in the project design and permit development process and through regional and local planning. Based on the environmental review for this project, previous environmental reviews associated with nearby projects, and expertise in constructing similar projects, the City of Rochester finds that the impacts of the project that are reasonably expected to occur can be anticipated and controlled.

CONCLUSIONS OF LAW

The City of Rochester has jurisdiction as RGU in determining the need for an EIS for this project. The EA/EAW, the roadway planning and design process, the construction permit process, responses to comments received on this project, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this project.

All environmental review requirements have been met.

This roadway project has impacts similar to accepted impacts from other roadway projects constructed to support urban growth that can be adequately mitigated under existing regulations. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the project design, addressed in the EA/EAW and the EA/EAW Update. This project is expected to comply with associated state and federal standards.

Based on the criteria established in MN Rules 4410.1700, there are no potential significant environmental effects reasonably expected to occur from this project as proposed.

An EIS is not required.

Any findings that might properly be termed conclusions and any conclusions that might be properly termed findings are hereby adopted as such.

ORDER FOR A NEGATIVE DECLARATION ON THE NEED FOR AN EIS

The City of Rochester hereby determines that there are no potential significant environmental effects reasonably expected to occur from this project as proposed and that there is no need for an Environmental Impact Statement. The Common Council of the City of Rochester adopted a resolution so stating this order on March 22, 2004.

The decision for a Negative Declaration completes the Minnesota environmental review process (Mn Rules 4410.170). The project can now proceed to the federal level to complete the federal environmental review process with a request to the Federal Highway Administration for a Finding of No Significant Impact.

3. COMPLETE RESPONSES TO COMMENTS ON THE EA/EAW

The 30-day public comment period began on February 16, 2004 and ended on March 17, 2004. Nine comments submittals were received from individuals and agencies. Copies of the comment letters are contained in Attachment 3. Responses to the comments and questions follow. Similar comments/questions were grouped together to avoid repetition of responses. No requests for an Environmental Impact Statement were made.

Overland Drive EA/EAW Update

Responses to Questions & Comments Submitted by Individuals

Question C1: Will the speed limit of CR 112 (18th Avenue NW) stay at 50 mph? Speeds on CR 112 are generally faster than the posted 50 mph.

Answer: The speed limit on County Road 112 is currently 50 mph. Olmsted County is the government agency that determines and enforces the speed limit on County Road 112. At this time, Olmsted County has no plans for reducing the speed limit.

Question C2: Will the Trapper Lane/Overland Drive/CR 112 intersection have a traffic signal? Southbound CR 112 traffic makes access to CR 112 from Trapper Lane difficult and this may make the situation worse.

Answer: Initially entrance onto County Road 112 will be controlled by stop signs at the intersections with Overland Drive and Trapper Lane. After the construction of Overland Drive and at such time as traffic volumes or other safety issues dictate the need, an analysis will be done to see if a traffic signal at this intersection is warranted.

Question C3: Will Trapper Lane have an inclined access to CR 112?

Answer: The Trapper Lane access will be moved 75 feet to the north. The existing access has a 3.3% downhill grade from County Road 112 to Trapper Lane. The proposed access will be constructed with a 0.82% downhill grade. This flatter grade will improve sightlines and make accelerating from Trapper Lane to County Road 112 easier and safer during the winter months.

Question C4: Is it more cost effective to move Trapper Lane approximately 75 feet north of the existing access or to align Overland Drive to the existing Trapper Lane access?

Answer: Upon the recommendation of the Olmsted County Engineer, the access to Trapper Lane was determined based on safety considerations associated with distances between intersections and configuration of intersections rather than cost. The access to Trapper Lane will be relocated approximately 75 feet north of the current location to complete a four-way intersection with Overland Drive and County Road 112.

Question C5: Will the truck traffic continue to be encouraged to use CR 112? Will increased traffic (from Overland Drive) flood onto CR 112, increasing the volume on a road that seems to be already saturated?

Answer: County Road 112 is a 10-ton road already designated as a truck route. Truck traffic has increased within the past year on County Road 112 primarily due to the construction related to the ROC 52 project and the temporary closure of the 75th Street intersection with TH 52. As portions of ROC 52 are completed (specifically the 75th Street interchange which is scheduled to be open for traffic in November, 2004), the truck traffic volumes should decrease on County Road 112. Once completed, Overland Drive will contribute to an increase in traffic volumes on CR 112, especially between Overland Drive and 55th Street NW.

Question C6: How will the northbound passing lane affect access from Trapper Lane onto CR 112? Won't it make it more difficult? What about a right-turn lane for northbound CR 112 traffic onto Trapper Lane?

Answer: A bypass lane will be constructed for northbound traffic on County Road 112 near the intersection with Overland Drive. The bypass lane will also be utilized as a right turn lane for

Overland Drive EA/EAW Update

Trapper Lane. When exiting Trapper lane to continue south on CR 112, there will be an extra traffic lane to cross.

Comment C7: Please explain the necessity of Overland Drive.

Answer: Overland Drive is part of the larger transportation network for northern Rochester. Overland Drive will serve future developments in the areas east and west of TH 52 and provide a parallel east-west route to both 55th St. NW and 75th St. NW. Traffic forecasts estimating traffic 20 years in the future show traffic could be as high as 10,160 vehicles per day on Overland Drive. TH 52 reconstruction is addressing traffic congestion and safety problems at 55th St. NW, 65th St. NW and 75th t. NW by improving connections at those locations.

Question C8: What is the zoning designation for the land adjacent to Overland Drive?

Answer: Land in the Overland Drive project area is within the designated 25-Year Urban Service Area and is zoned primarily residential through the western section of the project. Near CR 112, the land adjacent to Overland Drive is zoned as A4 (Ag Urban Expansion). This information was last updated by Olmsted County in September 2003.

Responses to Comments Submitted by Agencies

DNR Comments

Comment D1: Consider the use of a rural road section to provide storm water infiltration for Overland Drive. Groundwater recharge is a concern.

Answer: Overland Drive will be constructed as an urban roadway. Construction will include curb and gutter as stated on page 7 of the EA/EAW. Research done by the USGS in 1988 and again in 1997 indicates that there has been no discernible change in the potentiometric surface of Rochester's water supply aquifer due to increased water consumption or loss of recharge. Furthermore, the soils and geologic setting are not conducive to infiltration in many areas around the City. Available right-of-way for the project can not accommodate the additional width of a rural section collector roadway.

Comment D2: It is very important that sediment runoff be contained. The concern is elevated at the project site because of the presence of three highly erodible soils and the sloping terrain and the potential to impact Elktoe Mussel habitat in the Zumbro River.

Answer: During construction, BMP's will be implemented to contain runoff and reduce erosion. The open swales to which the project is connected and which connect to the Zumbro River cover a distance of almost two miles (following the natural drainage pattern). The City will have erosion and sedimentation control measures in place to meet the Phase II construction storm water permit, therefore, it is highly unlikely that sediment from this project will impact the Zumbro River.

Comment D3: Although Blanding's Turtles have not been verified at this site, two confirmed locations of the turtle are in close proximity to this site. If any turtles are observed in the construction zone, construction staff should contact the DNR to relocate the turtles to a safer area.

Answer: It does not seem likely that Blanding's Turtles will venture a distance of one to two miles away from the water features (streams, lakes or wetlands) where they were sighted in order to find sandy uplands for nesting. Studies by Congdon, et. al. have shown that nesting

Overland Drive EA/EAW Update

females may travel "considerable distances" (0.1 miles to 0.23 miles) to nesting areas. Perhaps Blanding's Turtles would travel greater distances to migrate from one water feature to another, but the road alignment is not in any transit path between water features with known Blanding's Turtle sightings to any other water features in the area. The area of the roadway is distinctly absent of features conducive to nesting, feeding, or migrating by Blanding's Turtles. Jaime Edwards (DNR-Rochester Office) will be contacted if a Blanding's Turtle is observed in the construction area.

Comment D4: The DNR is concerned that bikepaths on both sides of Overland Drive create additional impervious surface not needed on this project.

Answer: Bike paths are being constructed on both sides of Overland Drive to safely serve residential and commercial developments, parks, and schools that will be located on either side of the road. Dual bike paths will discourage unsafe crossings at uncontrolled intersections. The bike path choice represents a balance between safety concerns and environmental impacts.

Mn/DOT Comments

Comment M1: MnDOT will not support the project without expanded study and planning.

Answer: The City, by way of further study, will revisit the concept of a more direct, east-west route north of Overland Drive that could connect 65th Street NW to CR 112, CR 133 (West River Road) or TH 63. The study will review the need for a separate, federally classified arterial roadway in the Overland Drive/65th Street NW corridor and will be completed within five calendar years. The study limits will roughly run from 50th Avenue NW on the west to Trunk Highway 63 on the east; and from 75th Street NW on the north to 55th Street NW on the south. After completion of the Overland Drive project, a meeting will be convened with the FHWA, MnDOT, ROCOG and the City of Rochester staff members to clearly articulate the study scope.

Comment M2: Overland Drive as proposed does not enhance mobility or through movements as would be consistent with the function as an arterial roadway, rather it serves residential development as an urban collector route.

Answer: The roadway will have access limited to public street connections. No private streets or driveways will connect to Overland Drive. This access management plan enhances the mobility and through-movements within the corridor. As planned, Overland Drive will enhance levels of service at the Bandel Road/55th St. NW intersection by redirecting eastbound movements originating east and west of TH 52 away from that congested intersection to the 18th Avenue/55th St. NW intersection. Overland Drive will retain dual classifications. At the Federal level, it will be classified as an urban collector. For City of Rochester and ROCOG purposes, Overland Drive will be classified as an arterial, in accordance with the 2003 Long Range Thoroughfare Plan.

Comment M3: MnDOT has been in support of proactive planning by the City of Rochester to provide north/south and east/west reliever routes that serve to reduce traffic pressures from new development onto Highway 52. The EAW does not demonstrate that Overland Drive will provide relief to Highway 52. To the contrary, the development that it will serve contributes to traffic bottlenecks and may further degrade the freeway function of Highway 52.

Answer: The City of Rochester has been undertaking proactive transportation planning since the early 1950's to reduce traffic pressures in all areas of the City, including areas affecting TH 52.

Overland Drive EA/EAW Update

Since 1977, the City of Rochester has worked through ROCOG to ensure that transportation planning provides an appropriate hierarchy of transportation facilities in advance of development. See the EA/EAW Update revisions for ALTERNATIVES, Section 27, and section 29 above. Overland Drive will be a reliever route for Bandel Road and the 55th St. NW interchange and frontage road intersections. The purpose of this EA/EAW was not to demonstrate relief to TH 52; rather, it was to demonstrate utility for the developing areas it will serve and the impact of its construction within the project limits. Comprehensive traffic analysis completed to justify the reconstruction of TH 52 and the later upgrade to a six-lane freeway addressed the congestion issues associated with TH 52 and its intersections and interchanges in this area. Overland Drive traffic will not be able to access TH 52 directly unless an interchange is constructed in the future. In order to access TH 52, traffic from Overland Drive will need to travel on existing and future frontage / backage roads or CR 112 to use access points at 55th St. NW or 75th St. NW, which are currently being upgraded as part of the ROC 52 project. Finally, by directing eastbound traffic (for example, traffic oriented to the University Center Rochester complex in southeast Rochester) to the 55th St. NW or 37th St. NW river crossings, Overland Drive relieves not only TH 52 but also the congested intersection of Bandel Road and 55th St. NW.

Comments M4: The mobility and functionality of Overland Drive may be enhanced if consideration were given to a more direct east/west route, perhaps aligned with the 65th Street approach east of 18th Avenue.

Answer: Such an alignment was considered by TTAC (with participation of MnDOT representatives) in 2000. See the EA/EAW Update revisions for ALTERNATIVES, Section 27, and section 29 above.

Comment M5: The EA is of insufficient scope since it only includes the area from Bandel Road to 18th Street NW. Mn/DOT recommends the City of Rochester revise the scope of the EA to plan for the land use and transportation needs east and west of Highway 52. Mn/DOT suggest that at a minimum, the EA would encompass 50th Avenue to the west, the West River Road to the east, and areas north from 55th Street to 75th Street.

Answer: As part of its traffic volume analysis, the Overland Drive EA/EAW scope did evaluate the impact from the estimated traffic generated from and to the future developments planned east and west of TH 52. See the response to M1 and also reference the EA/EAW Update revisions for ALTERNATIVES, Section 27, and section 29 above.

Comment M6: The current plans for ROC52 are for a future overpass at 65th Street. An interchange at 65th Street cannot be assumed to be part of the Overland Road proposal since no approvals from FHWA or Mn/DOT have been given for this request. Any reference to the 65th Street interchange should be removed from this proposal.

Answer: References to an interchange at 65th Street and TH 52 are removed from the EA/EAW through this EA/EAW Update. Traffic projections of 10,160 ADT (2024) that were used in the EA/EAW were based on the construction of an overpass at 65th St. NW. Traffic analysis completed assuming the construction of an interchange at 65th St. NW identified an ADT of 11,929 (2024) on Overland Drive. The 65th St. NW overpass at TH 52 is planned for completion in 2005.

Overland Drive EA/EAW Update

Comment M7: The design and alignment for Bandel Road should be consistent with agreements on ROC 52.

Answer: The design and alignment of Bandel Road will be coordinated with the ROC52 project. The realignment of Bandel Road will match into the plans for the construction of a future frontage/backage road between 65th Street NW and 75th Street NW. Although no interchange components are included with this project and study, it is prudent planning and a wise use of resources to align Bandel Road to a location that could accommodate frontage/backage roads and interchange ramps if an interchange on TH 52 at 65th Street NW is approved in the future.

Comment M8: Mn/DOT does not support additional State or Federal investments in local infrastructure without a plan for frontage roads and reliever routes. Mn/DOT requests as a condition of approval of a new interchange or other improvement needs, continuous frontage roads east and west of TH 52, from 55th Street NW to 85th Street NW.

Answer: The re-alignment of Bandel Road will facilitate a continuous frontage/backage road system on the east side of TH 52 from 55th St. NW to 85th ST. NW. Considerations for other frontage road systems are beyond the scope of this project. Prior ROCOG studies have been completed that reviewed the transportation needs in this area and the construction of Overland Drive is compatible with those study findings.

FHWA Comments

Comment F1: As proposed Overland Drive is portrayed as a local collector not an arterial roadway and it creates an enormous safety hazard with increased traffic in a residential development/ school zone/park zone.

Answer: See MnDOT comment M2. At the time the alignments were being studied by the TTAC, the issue of the school and park proximity was evaluated. The amount of land available and the options to trade for remnant pieces created by the road bisection of the school / park property were evaluated to determine if the minimum separation requirements for schools and parks could be met. Given the busing criteria and the high amount of parent drop-off traffic associated with elementary schools, the location of a school near such a corridor is not a poor choice as long as the local street and driveway system around the school facility is established to manage traffic movements on the major street in an orderly fashion. Rochester has many elementary schools on higher volume roads in a number of locations and child safety has not proven to be an issue (for example, the School District just acquired a parcel for a future elementary school on the north side of 55th St. NW of 50th Ave. NW). With this corridor located near the northern boundary of the urban development area, the majority of walking traffic will be generated from the south, so crossing Overland Drive will not be an issue. Additionally, bike/pedestrian paths will be constructed on both sides of Overland Drive to provide a safe travel zone for cyclists and pedestrians. Every roadway designated as a federal minor arterial in the northern portion of the City and its urban expansion areas is constructed in areas that already have some developed residential areas or are designated as future residential areas. The construction of Overland Drive as a ROCOG minor arterial in an area planned for residential development is consistent with past practice and future plans.

Comment F2: The proposed project is developed with an incorrect West Project Termini of 65th Street NW and Bandel Road. The proposed project, shall use the proper termini of 50th Avenue NW.

Overland Drive EA/EAW Update

Answer: See Mn/DOT comment M4.

Comment F3: Direct East-West Arterial Alternative from CR 112 to 50th Avenue NW: After further review of the Environmental Document a preferred alternative that was not discussed that will have diminished significant social, environmental and economic impacts and will provide for a safer alternative. The alternative also includes a connection within the Big De Development of proposed local collector Overland Drive and local road, Bandel Drive NW. This could include a phased construction of proposed extension of Bandel Road to 65th Street NW. This arterial alternative would be eligible for federal funding, the proposed alternative would not.

Answer: Such an alignment was considered by ROCOG in 2000. See the EA/EAW Update revisions for ALTERNATIVES, Section 27, and section 29 above. As noted in the discussion in the EA/EAW Update ALTERNATIVES section, a direct east-west alternative would actually increase social, environmental, and economic impacts. Safety concerns would not necessarily be reduced, depending on the number of existing residential lots that would need direct access to this route. The project, designated as an urban collector, has been approved for federal funding for FY 2004 and is included in the 2004-2006 STIP.

Comment F4: Project needs to be evaluated based on having independent utility with consideration of proposed future projects not determined based on proposed projects. Eliminate all references for an interchange project at 65th Street NW and TH 52.

Answer: See Mn/DOT comment M6. Traffic projections of 10, 160(2024) ADT that were used in the EA/EAW were based on the construction of an overpass at 65th St. NW. Traffic analysis completed assuming the construction of an interchange at 65th St. NW identified an ADT of 11,929 (2024) on Overland Drive. The utility of Overland Drive is thereby demonstrated whether or not an interchange is constructed instead of an overpass. It is a road project that stands on its own merit independent of TH 52 decisions at the junction of 65th St. NW.

Comment F5: Additional Alternatives and Advantages: As listed in the proposed project Environmental Document, the North/South Alternatives Advantages listed on pages 4 and 5 are not consistent with one another. The same issues are addressed for and against each alternative confusing the real issues of each Alternative.

Answer: The same issues are not addressed for and against each alternative. The two alternatives do have four advantages in common, but no disadvantages in common. The preferred alternative (North Connection) has four additional advantages that the South Connection lacks. The South Connection has four disadvantages, while the preferred alternative has only one.

Comment F6: A series of nine miscellaneous comments were listed.

Comment F6-1: The Environmental Document is not consistent with the EA for CSAH 14/TH 52 interchange and related TH 52 Access Management improvements.

Answer: Through discussions with FHWA, it was determined that the inconsistencies cited were in reference to the interchange at 65th Street NW. All references to the 65th Street NW interchange are removed from the EA/EAW in this EA/EAW Update.

Overland Drive EA/EAW Update

Comment F6-2: The overall planning of roadway development appears to be disconnected. By the proposed layout it appears the proposed system will add to, not reduce congestion in the area.

Answer: Through the natural progression of development in NW Rochester congestion on some roadways will increase. The construction of Overland Drive is in accordance with long-range transportation plans developed by ROCOG and will ultimately improve safety and congestion on 55th Street NW.

Comment F6-3: Is 65th Street NW currently planned as an arterial roadway? Why is Overland Drive justified as an arterial roadway? Overland Drive and Bandel Road are local collectors. Bandel Road is a frontage road. The proposed project seems to confuse the definitions of a roadway system (i.e. arterials and collectors). What roadways are on an approved system? What roadways are on a planned system and what are not?

Answer: See comment M2.

Comment F6-4: As the proposed project stands it is not eligible for Federal Funds as a local collector.

Answer: Overland Drive is being classified as an urban collector under the federal classification system and is eligible for Federal Funds. Federal funding for this project has already been approved for FY 2004 in the 2004-2006 STIP.

Comment F6-5: The Environmental Document uses an improper west terminus; the proper termini should be 50th Avenue NW.

Answer: See Mn/DOT comment M4.

Comment F6-6: Delete all references connecting the project to an interchange at TH 52 and 65th Street.

Answer: References to the interchange will be deleted.

Comment F6-7: No STIP Reference, is this going to be amended? No submittal has been received by FHWA at this time.

Answer: The Overland Drive project was included in both the 2003-2005 and 2004-2006 State Transportation Improvement Program documents as Sequence numbers 824 and 707, respectively. As author of the documents, MnDOT is responsible for submitting them to the FHWA.

Comment F6-8: No real alternative reviewed. An assessment is needed of a direct East West arterial roadway that would connect existing 65th Street NW from the West to the East at CR 112. This alternative should provide for an intersection at or close to the existing 65th Street NW to the east of CR 112 as the current proposed project restricts growth as it terminates at a no growth area on the east end.

Answer: See Mn/DOT comment M4.

Comment F6-9: Description of existing and proposed roadway from the West at 50th Avenue NW to the East at CR 112: Substandard two-lane roadway, four-lane bridge, four-lane roadway and then a two-lane roadway with a center turn lane.

Overland Drive EA/EAW Update

Answer: See Mn/DOT comment M4.

MPCA Comments

Comment P1: As noted in the EA/EAW, the Project requires a Phase II National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. Permit requirements and BMPs should be closely adhered to to minimize erosion impacts.

Answer: A Phase II NPDES Construction Stormwater Permit will be applied for and received before construction will begin. Contractors will be required to implement approved Grading and Drainage Plans that will identify the erosion and sediment control methods necessary to protect highly erodible soils.

U.S. Army Corps of Engineers Comments

The project area does not include issues within their regulatory jurisdiction.

Answer: Agreed.

Environmental Protection Agency Comments

The project has minimal adverse impacts on the environment provided all permits are obtained and adequate mitigation measures are implemented before and after construction.

Answer: Agreed.

4. REQUEST FOR FINDING OF NO SIGNIFICANT IMPACT

The proposed project includes the construction of Overland Drive from Bandel Road NW to County Road 112 (1.1 miles). Overland Drive will be a 3-lane, urban collector roadway on a new alignment.

The project also includes reconstruction of approximately 500 ft. of 65th Street NW from its east terminus in the ROC 52 project to Overland Drive. 65th Street NW will be a 4-lane urban arterial roadway west of Bandel Road. Bandel Road NW will be realigned and reconstructed to be a 3-lane urban collector on a new alignment. Bandel Road NW will be constructed independently from Overland Drive construction.

As the Responsible Governmental Unit (RGU), the City of Rochester reviewed the project according to the Minnesota environmental review process promulgated by the Minnesota Environmental Quality Board (MEQB). The project meets a mandatory EAW threshold category resulting in the need for an EAW. In addition, the project meets the requirements for a Federal Class III Action, thus an EA was also necessary and resulted in a joint EA/EAW. The EA/EAW was authorized for distribution by the RGU on February 16, 2004. Based on the information contained in the EA/EAW Update (including the revisions to the EA/EAW, the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration, and the responses to comments), the Common Council of the City of Rochester as RGU adopted a Negative Declaration resolution on March 22, 2004. With said resolution, the City of Rochester has declared that the project does not have the potential for significant environmental impacts and an Environmental Impact Statement is not warranted. A copy of the resolution is included as Attachment 4. The Common Council of the City of Rochester therefore recommends and

Overland Drive EA/EAW Update

requests that the Federal Highway Administration prepare a Finding Of No Significant Impact (FONSI) for this project.

Attachment 1 – Land Use Designations East of CR 112

Attachment 2 – Affidavit of RPB Publication and EQB Monitor Notice of Publication

Attachment 3 – Comment Letters

Attachment 4 – City of Rochester Resolution of Negative Declaration

Overland Drive EA/EAW Update

Attachment 1

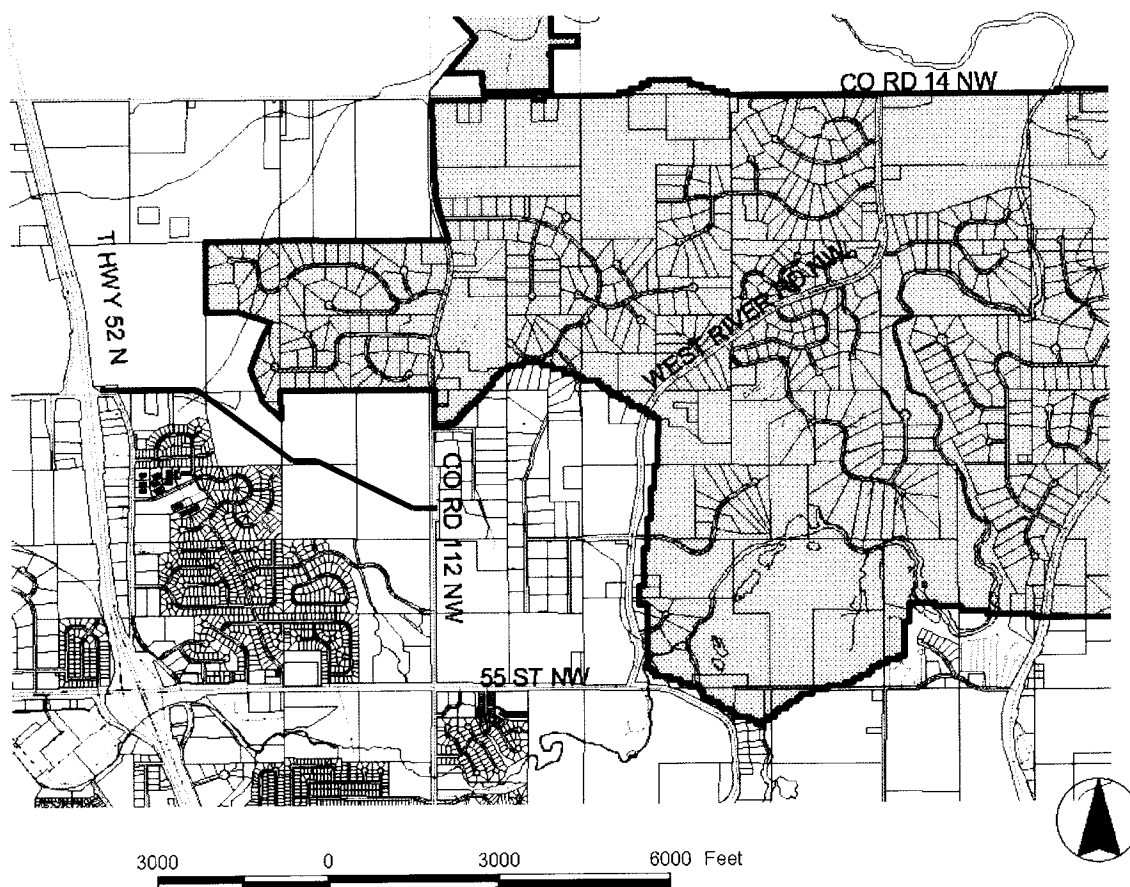
Olmsted County Land Use Plan Designations In the Vicinity of Overland Drive

Key:

White areas: 25-Year Urban Service Area

Purple-shaded areas: Suburban Development Area (large lot, low density residential)

Blue Line – Rough approximation of Overland Drive Preferred Alternative alignment



Overland Drive EA/EAW Update

Attachment 2

**Affidavit of RPB Publication
and
EQB Monitor Notice of Publication**



Environmental Assessment Worksheets

Comments due on March 17, 2004

Overland Drive

Description: EA/EAW for the new construction of a 1.1 mile, three lane arterial urban roadway connecting Bandel Road NW to County Road 112 in Rochester, MN in 2004. Project also includes reconstruction of 1100' on 65th St. NW and realignment of 1200' of Bandel Road NW in 2005.

The 30-day comment period will begin on Feb. 16th and end on March 17th. Copies of the EA/EAW have been sent to agencies listed on the current MEQB distribution list. The EA/EAW will be available for viewing at the following locations:

- City of Rochester, 201 4th St. SE, Room 108, Rochester, Minnesota 55904
- Rochester Public Library, Reference Dept., 101 2nd St. SE, Rochester, Minnesota 55904

RGU: City of Rochester, Minnesota.

Contact: Barbara Huberty, City of Rochester, 201 4th St. SE, Room 108, Rochester, Minnesota 55904; 507-529-4907 Fax: 507-281-6216 Email: bhuberty@ci.rochester.mn.us

ABOUT THE EQB MONITOR

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements and other notices.

The *EQB Monitor* is also posted on the Environmental Quality Board home page at <http://www.eqb.state.mn.us/>

Vol. 28, No. 4

Next issue: March 1, 2004

Submittal deadline: February 23, 2004

Elko/New Market Wastewater Treatment Facility

Description: The cities of Elko and New Market are proposing to expand the existing Wastewater Treatment Facility (WWTF) from a design average wet weather flow of 95,000 gallons per day (gpd) to a design average wet weather flow 980,000 gpd. The proposed WWTF will be capable of treating an annual average design flow of 900,000 gpd and an average dry weather flow of 859,000 gpd. The Elko/New Market Joint Sewer Board is proposing this expansion because additional wastewater treatment capacity is needed for current and future development in the area.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency Web site, at the following:

<http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Kelly Garvey, Project Manager, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651-296-7796.

Ultra Low Sulfur Diesel Fuels

Description: Flint Hills Resources, LP proposes to produce ultra low sulfur diesel (ULSD) fuels at its Pine Bend Refinery in Rosemount, Minnesota. Production of ULSD fuels will require the construction of a hydrogen plant, a hydrocracker, three 12,600,000-gallon (300,000-barrel) storage tanks, and expanded cooling tower capacity.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency Web site, at the following:

<http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Kelly Garvey, Project Manager, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651-296-7796.

AFFIDAVIT OF PUBLICATION

State of Minnesota
County of Olmsted

Jill Riess, being duly sworn, on oath that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Post-Bulletin, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed notice

Which is attached was cut from the columns of said newspaper, and was printed and published 1 times for 1 weeks; it was first published on Thursday, the 19th day of February, 2004; and was thereafter printed and published:

Thursday, the 19th day of February, 2004; and printed below is a copy of the lower case alphabet from a to z, both inclusive, which is hereby acknowledge as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

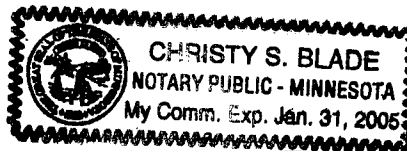
POST-BULLETIN COMPANY L.L.C.

BY: 

TITLE: Classified Supervisor

Subscribed and sworn to me on
This 19th day February, 2004


Notary Public



RATE INFORMATION

- | | |
|--|------------------------------|
| 1) Lowest classified rate paid by commercial user for comparable space | \$ 5.99
(Line rate) |
| 2) Maximum rate allowed by law for the above matter. | \$ 1.70
(Line rate) |
| 3) Rate actually charged for the above matter. | \$ 1.70 - .85
(Line rate) |
| 4) Publication Fee. | \$ 91.80 |

CITY OF ROCHESTER, MINNESOTA NOTICE OF PUBLIC INFORMATION MEETING FOR THE OVERLAND DRIVE PROJECT

Notice is hereby given that a Public Information Meeting will be held by the City of Rochester at the Rochester Government Center, Conference Room 104, 151 - 4th St. SE, Rochester, Minnesota, on Thursday, March 4, 2004 from 6 pm to 8 pm.

The purpose of the meeting is to provide information about and gather public comments regarding the future construction of the Overland Drive Project in northwest Rochester. The Overland Drive Environmental Assessment and design layouts will be available for viewing.

The Public Information Meeting will be held within a 3-day comment period for the EA. The comment period begins on February 16, 2004 and ends March 17, 2004. The EA can be viewed at the Rochester Public Works office located in Room 108 of the Rochester Government Center, at the Rochester Public Library or on-line at

www.ci.rochester.mn.us/publicworks/index.htm

The Overland Drive project begins at the intersection of Highway 52 with 65th St. NW and commences east to County Road 112 (18th Ave. NW). The project also includes relocating the intersection of 65th St. NW and Bandel Road NW east approximately 700 feet.

Questions regarding this project can be directed to Barbara Huberty at (507) 529-4907. Dated February 19, 2004. (2/19)

Overland Drive EA/EAW Update

Attachment 3

Comment Letters

Individuals

Charles G. Brown

Gordon K. Danielson

Robert and Beverly Reid

Agencies

Minnesota Department of Natural Resource

Minnesota Department of Transportation

Minnesota Pollution Control Agency

U. S. Army Corps of Engineers

U. S. Department of Transportation; Federal Highway Administration; MN Division

U. S. Environmental Protection Agency



OVERLAND DRIVE

Environmental Assessment Worksheet

Public Comments

Thank you for attending the Overland Drive Public Open House. We appreciate the time you take to be involved in this process and welcome any comments you may have. Copies of the draft Environmental Assessment with an Environmental Assessment Worksheet are available until March 17th at the following locations:

- **Project website:**
www.ci.rochester.mn.us/publicworks/construction/construction_main.htm
- **Rochester Public Library**
- **Rochester Public Works Department** (see address, bottom of page)

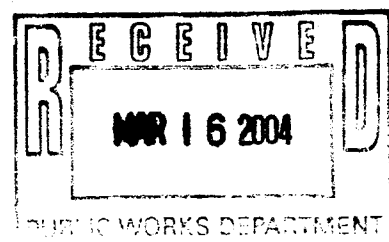
You may submit comments on this form as you leave tonight's Open House or by one of the other methods noted below.

Name:	Robert and Beverly Reid
Organization Represented:	
Telephone:	507-289-0961
Address:	6204 Trapper Lane NW Rochester, MN 55901
E-mail:	BobandBevr@AOL.com
Interest in Project:	Access to Co Rd 112
Comments:	See attached

Please use back of page if necessary

How to Submit Comments:

- **Mail to:** Ms. Barbara J. Huberty
Environmental and Regulatory Affairs Coordinator
Rochester Public Works Department
201 Fourth Street Southeast, Room 108
Rochester, Mn 55904-3740
- **E-mail:** bhuberty@ci.rochester.mn.us
- **Telephone:** 507/529-4907
- **Fax:** 507/281-6216



All Public Comments Are Due By 5:00 p.m., Wednesday, March 17, 2004

March 13, 2004

Ms Barbara Huberty

Being that we were not invited to the March 4th informational meeting to hear any of the discussion on the proposed Overland Drive, we would appreciate hearing your comments on the following:

1. Why is Trapper Lane being moved 75 feet? It would seem to be more cost efficient and make more sense to connect Overland Drive to Co. Rd 112 at the existing Trapper Lane intersection.

Also, moving the intersection north shortens the distance for southbound traffic approaching those of us trying to enter Co. Rd 112 from Trapper Lane. This is already somewhat of a problem (with traffic coming from the north at 55-60 mph) and adopting your proposal would merely increase this hazard.

2. If and when the Overland Drive project takes place, we feel a right turn lane on Co. Rd 112 to Trapper Lane is an absolute must for northbound traffic.
3. Is a stop light planned for this intersection?
4. What is the zoning for the land through which Overland Drive will pass? (Especially the land adjacent to Co. Rd 112)

Thank you in advance for your cooperation and we trust you will keep us informed of future developments regarding this project.

Huberty, Barbara

From: Charles G Brown [bro0096@attglobal.net]**Sent:** Friday, March 12, 2004 6:47 PM**To:** Huberty, Barbara**Subject:** Overland Drive NW

Barbara, my name is Charles G Brown and I live at 6306 Trapper Ln NW.

We recently recieved a notification of some significant activity, involving our residence and the street leading to it. As noted in y mailing it was somewhat after the fact, since we recieved the letter, after the meeting on this subject was held. Although we are few in numbers in our neighborhood, we do feel its important our concerns are heard.

Currently our street exits onto 18th Avenue NW on a somewhat level plane in relationship to 18th ave, at the base of two hills. traffic on 18th has significantly increased in the past two years, with an enormous number of large trucks, commuter traffic and even farm vehicles. The amount of traffic and the speeds, with which they travel this road make it make it very important that w can access the street quickly and with full view of traffic coming both ways. The vehicles coming south, down the hill are usuall traveling at or above the speed limit and in many cases passing, regardless of the deer/turkeys/dogs etc crossing this stretch o road.

Moving the entrance for Trapper LN north 75 feet, not only moves us closer to the traffic coming down the hill at speed, but als would imply that we would need to negotiate an elavated entrance to reach 18th ave. The wonderful winters in Minnesota will make any incline only more difficult to, safely, achieve access to 18th ave.

The fact that you are adding a major cross road, through a corn field, leads me to believe that you intend to encourage major growth in homes/people/traffic in this area in the near future. Nothing of this is noted in your letter so I am assuming this is the reason for doing so. I do think its is interesting and pertinent, that you include reasons for doing things that cost tax dollars, in y mailings. It makes me wonder what is next on the agenda for this area.

We are not in favor of the proposed change you wrote us about and since it had limited detail included, I am including a few questions.

1. Will this be a controlled intersection (Stop lights)?
2. Will Trapper Lane have an inclined access to 18th avenue?
3. Will the speed limit on 18th avenue remain 50 mph or will it be lowered// or raised?
4. Will the truck traffic continue to be encouraged to use 18th avenue?
5. How will the mentioned north bound passing lane affect our access from Trapper Ln onto 18th ave? Wont that make it more difficult?
6. Since no reason for Overland Drive is noted, I assume that its because of increased traffic from the west onto 18th avenue. Could you further explain the necessity of this additional street. \$2.6 M is not a small amount of funding.

Barbara, I realize that progress is sometimes difficult to administer, but its important that we have the opportunity to understand the facts and provide our input. Thank you for your letter and we hope to hear from you.

Charles G and Doris Brown
6306 Trapper Ln Nw
Rochester, Mn

507-252-6950
email: bro0096@attglobal.net

Kelm, Russ

From: Danielson, Gordon K., M.D. [danielson.gordon@mayo.edu]
Sent: Monday, March 15, 2004 2:22 PM
To: Kelm, Russ

Dear Mr. Kelm,

I appreciate the opportunity of speaking with you and Mr. Richard Freese recently by telephone regarding the Overland Drive proposal. As the deadline for the comment period is coming soon, I would like to send the following comments for the record.

As I understand it, Overland Drive is designed to be a major east-west arterial with the hope that it will decompress traffic on 55th street. My concern relates to the increased traffic that will flood onto 18th avenue, which already appears nearly saturated. Today, it is difficult to enter 18th avenue from 65th street on the east at the top of the hill, from Trappers lane, or from the driveways of the houses on 18th--the traffic is nonstop in the mornings and evenings. Traffic moves much faster than the posted 50 mph! The longtime residents can remember when two young boys were killed there .

My hope is that other solutions to the traffic problem at the west end of the proposed drive could be found, such as by improving connections to 75th and 55th streets, by consideration of sending traffic west of 52 to established traffic routes, or other.

Thank you for this consideration. Please keep us posted.

Gordon K. Danielson
6000 16th ave NW
Rochester, MN 55901



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 04 2004

REPLY TO THE ATTENTION OF:
B-19J

Barbara Huberty, Project Manager
City of Rochester
201 4th St. SE, Room 108
Rochester, MN 55904

Re: Environmental Assessment/Environmental Assessment Worksheet Overland Drive From
65th St. NW and Bandel Road NW to CR 112 (18th Ave. NW) in Rochester, Minnesota.

Dear Ms. Huberty:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the referenced Environmental Assessment (EA).

The EA identifies a proposal by the City of Rochester to construct an approximately 1.1 mile segment of a new three-lane roadway (i.e., Overland Drive). The project includes construction of a bike and pedestrian path on both sides of the proposed roadway and a minor realignment of Bandel Road. The proposal is being put forward by the City of Rochester to provide a new east-west roadway connection between Bandel Road and County Road (CR) 112 to accommodate proposed residential development and alleviate future projected traffic congestion in northwest Rochester, Minnesota.

Based on the information contained in the EA, it appears that the proposal will have minimal adverse impacts on the environment provided all necessary permits are obtained and adequate mitigation measures are implemented during and after construction.

Thank you for the opportunity to review the EA. If you have any questions, please contact Virginia Laszewski of my staff at (312) 886-7501 or e-mail her at: laszewski.virginia@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake".

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: FHWA, Galtier Plaza, 380 Jackson Street, Suite 500, St. Paul, MN 55101-2904
(Attention: Kevin Kliethermes, Environmental Engineer)



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

March 12, 2004

REPLY TO
ATTENTION OF:

Construction-Operations
Regulatory (04-02906-DAS)

Ms. Barb Huberty
City of Rochester
201 4th Street SE, Room 108
Rochester, Minnesota 55904

Dear Ms. Huberty:

We have reviewed information about your project to construct Overland Drive from 65th Street NW/Bandel Road NW and County Road 112 (18th Avenue NW). The project site is in Sec. 4, 9, and 10, T. 107N., R. 14W., Olmsted County, Minnesota.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact David A. Studenski in our La Crescent office at (507) 895-2064. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in black ink, reading "David A. Studenski".

for Robert J. Whiting
Chief, Regulatory Branch

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers, St. Paul District

APPLICANT: City of Rochester

PROJECT LOCATION/WATERWAY: Overland Drive North Connection (Preferred Alignment)
Sec. 4, 9, and 10, T. 107N., R. 14W., Olmsted County, Minnesota

FILE NUMBER: 200402906

PROJECT REVIEW COMPLETED: ☒ Office ☐ Field

Jurisdictional Determination (JD): (For sites evaluated under 33 CFR §320-330)

- ☐ Preliminary JD - Based on available information, ☐ *there appear to be* or ☐ *there appear to be no* waters of the United States on the project site. A preliminary JD is not appealable.
- ☒ Approved JD - ☐ *There are* or ☒ *there are no* waters of the United States on the project site, as identified in the basis of jurisdictional determination indicated below. An approved JD is an appealable action (33 CFR §331). The Request for Appeal form may be downloaded from the Corps' Mississippi Valley Division web site at: http://www.mvd.usace.army.mil/nwsinfo/mvd_appeals/pdf/naoraf.pdf or by calling 651-290- 5375.

Basis of Jurisdictional Determination: (Reference 33 CFR §328.3(a) and 329)

- ☐ (1) The waters are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.
- ☐ (i) Section 10 waters
- ☐ (ii) Other waters that are navigable (document navigability and use in Rationale, below)
- ☐ (2) The waters or wetlands are interstate waters including interstate wetlands¹
- ☐ (3) The waters or wetlands are other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could effect interstate commerce including any such waters:
- ☐ (i) which are or could be used by interstate or foreign travelers for recreational purposes.
- ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ (4) The waters or wetlands are impoundments of jurisdictional waters.
- ☐ (5) The waters are a tributary to a water identified in (1) - (4) above
- ☐ (6) The wetlands¹ are adjacent² to interstate or other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for Basis (applies to any boxes checked above). *If the jurisdictional water is not itself a Section 10 regulated water or water that is navigable, describe the surface connection to the downstream Section 10 water or water that is navigable. If (1) or (3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection:*

Lateral Extent of Jurisdiction (Reference 33 CFR §328 and 329):

- ☐ Ordinary High Water Mark indicated by:
- ☐ clear, natural line on the bank ☐ litter and debris ☐ shelving ☐ changes in soil
- ☐ destruction of terrestrial vegetation ☐ other: _____
- ☐ Wetland, as shown on the attached wetland delineation map and/or in a jurisdictional report prepared by: _____ (Attach data sheets representing each plant community type, etc.)
- ☐ Additional supporting information. (attach when appropriate) _____

Preparer: Daniel A. Stenlund **Date:** 3/12/04

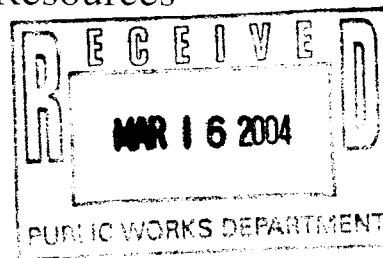
¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4000



March 12, 2004

Kevin Kliethermes, Environmental Engineer
FHWA
Galtier Plaza
380 Jackson Street, Suite 500
St. Paul, MN 55101-2904

Barbara Huberty, Project Manager
City of Rochester
201 4th Street SE, Room 108
Rochester, MN 55904

RE: Overland Drive – SP 159-080-12; STP 5504(103); City Project: M074(J9708)
Environmental Assessment and Environmental Assessment Worksheet (EAW)

Dear Mr. Kliethermes and Ms. Huberty:

The Department of Natural Resources (DNR) has reviewed the Environmental Assessment Worksheet for the proposed Overland Road project in the City of Rochester. From a natural resources management perspective, the proposed project does not have the potential for significant environmental effects and does not require preparation of an Environmental Impact Statement (EIS).

We offer the following comments for your consideration in final project design, permitting, and construction.

1) Stormwater management. Given the importance of groundwater recharge in the Rochester area, all projects should take the opportunity to provide significant onsite stormwater infiltration and containment. The EAW did not indicate what type of street design was intended for this stretch of road; we assume it will be curb and gutter given the plan for stormwater management. The DNR suggests a rural road design (i.e., no curb and gutter) with shallow rain garden depressions and swales along roadways, providing natural aesthetics and increased stormwater infiltration. These swales could still lead to stormwater containment ponds, but we firmly believe that extensive use of grass swales, infiltration depressions, and rain gardens could reduce or eliminate the need for large-scale water containment ponds.

Bioswales, treatment ponds, and infiltration basins are all acceptable stormwater treatment tools; however, infiltration should be considered a priority. If stormwater ponds are to be used, wildlife habitat might be gained if they can be constructed to incorporate features recommended in the DNR brochure, *Excavated Ponds for Wildlife*, available on-line at <http://www.dnr.state.mn.us/excavatedponds/guidelines.html>. DNR suggests careful planning of stormwater ponds to avoid human-wildlife conflicts, particularly with geese.

2) Erosion control and sedimentation containment. DNR is pleased that the EAW recognizes the need and importance of containing runoff and reducing erosion. Given the proximity of this



project to open swales that connect with the Zumbro River, it is very important that sediment runoff be contained. Elktote mussels (state listed threatened species) could be affected if any substantial amounts of suspended materials are delivered to the Zumbro. In the past 2 years, numerous transportation projects have been associated with significant sedimentation due to inadequate erosion controls complicated by heavy rain events. This concern is elevated at this project site due to the presence of three highly erodible soil types and sloping terrain.

3) Blanding's turtles. Although Blanding's turtles have not been verified on this specific site, two confirmed locations of this state listed threatened species are in close proximity to the site. It is possible that Blanding's turtles could wander into the construction zone. Given that most construction limits are ringed with silt fencing, turtle entry into construction zones is usually blocked. However, if any turtles are observed in the construction zone, DNR asks that they not be harmed and that construction staff contact the DNR (Non-game Specialist Jaime Edwards at 507-280-5070) to relocate the turtles to a safer area.

4) Bike path design. DNR is concerned about the overall road footprint and resulting conversion to impervious surface. The EAW indicated that a 10-ft bike trail would be located on both sides of the roadway. Ten feet of additional width (as compared to a single bike path) for the 1.1 miles of roadway is a substantial amount of impervious surface that could be avoided. With proper bike traffic crossings, it seems a single trail should suffice. The ten feet left unpaved could be used to develop much needed stormwater control areas such as rain gardens or swales.

Thank you for the opportunity to review this document. We look forward to receiving responses to these comments as well as the record of your decision on the need for an EIS, pursuant to Minnesota Rules Part 4410.1700. Please contact me with any questions regarding this letter.

Sincerely,

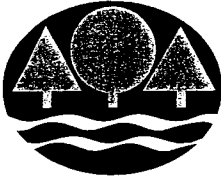


Rebecca A. Wooden, Environmental Planner
Environmental Policy and Review Unit
Division of Ecological Services
(651)297-3355

c: Shannon Fisher
Jon Larsen, EQB
Dan Stinnett, USFWS
Jaime Edwards, DNR Rochester

#20040112

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Minnesota Pollution Control Agency

March 12, 2004

Ms. Barbara Huberty
City of Rochester
201 – 4th Street Southeast
Room 108
Rochester, MN 55904

RE: Environmental Assessment (EA) with an Environmental Assessment Worksheet (EAW) for
Overland Drive

Dear Ms. Huberty:

Thank you for the opportunity to comment on the EA/EAW for the proposed Overland Drive roadway project (Project). The proposed Project is to build approximately 1.1 miles of a new, three-lane roadway between Bandel Road Northwest and County Road 112 in Rochester. The Minnesota Pollution Control Agency (MPCA) staff has reviewed the EA/EAW for this Project. The MPCA staff has the following comments for your consideration and response.

Permits and Approvals

As noted in the EA/EAW, the Project requires a Phase II National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit (Effective August 1, 2003). As you may know, the NPDES Phase II Stormwater Permit requires developing a more comprehensive Stormwater Pollution Prevention Plan (SWPPP) and submitting the permit application at least seven days prior to the start of construction. Because the proposed alignment contains three highly erodible soil types, we strongly encourage the proposer and its contractors to closely adhere to best management practices and other permit requirements to avoid or minimize potential impacts from erosion or sedimentation.

Thank you for the opportunity to review this EA/EAW. This comment letter addresses matters of concern to MPCA staff reviewing the EA/EAW and is submitted for consideration by the responsible governmental unit in determining the need for an Environmental Impact Statement and/or making a Finding of No Significant Impact. It does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. We have attempted to identify and consult with interested program staff to identify the MPCA permits that may be required.



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355
E-mail: dale.maul@dot.state.mn.us

March 17, 2004

Barbara Huberty, Project Manager
City of Rochester
201 4th St. SE, Room 108
Rochester, MN 55904

**RE: Environmental Assessment/Environmental Assessment Worksheet,
Overland Drive, from 65th St. NW and Bandel Road NW to CR 112 (18th
Ave. NE)
US Highway 52 CS 5508**

Dear Ms. Huberty:

Mn/DOT has received the EA/EAW for Overland Drive, as described, and completed its review. Mn/DOT has many concerns with the project as proposed and will not support this project without expanded study and planning from the City of Rochester. Our comments and recommendations are as follows:

- Overland Drive as proposed does not enhance mobility or through movements as would be consistent with the function as an arterial roadway, rather it serves residential development as an urban collector route.
- Mn/DOT has been in support of proactive planning by the City of Rochester to provide north/south and east/west reliever routes that serve to reduce traffic pressures from new development onto Highway 52. The EAW does not demonstrate that Overland Drive will provide relief to Highway 52. To the contrary, the development that it serves will contribute to traffic bottlenecks and may further degrade the freeway function of Highway 52.
- The mobility and functionality of Overland Drive may be enhanced if consideration were given to a more direct east/west route, perhaps aligned with the 65th Street approach east of 18th Avenue.
- The EA is of insufficient scope since it only includes the area from Bandel Road to 18th Street NW. Mn/DOT recommends the City of Rochester revise the scope of the EA to plan for the land use and transportation needs east and west of Highway 52. Mn/DOT suggests that at a minimum, the EA would encompass 50th Avenue to the east, the West River Road to the west, and areas north from 55th Street to 75th Street.
- The current plans for ROC 52 are for a future overpass at 65th Street. An interchange at 65th Street cannot be assumed to be part of the Overland Road proposal since no approvals from FHWA or Mn/DOT have been given for this request. Any reference to the 65th Street interchange should be removed from this proposal.

Barbara Huberty
March 17, 2004
Page Two

- The design and alignment for Bandel Road should be consistent with agreements on ROC 52.
- Mn/DOT does not support additional State or Federal investments in local infrastructure without a plan for frontage roads and reliever routes. Mn/DOT requests as a condition of approval of a new interchange or other improvement needs, continuous frontage roads east and west of TH 52, from 55th Street NW to 85th Street NW.

We look forward to further discussion of the Overland Road concept and other planning issues. For any questions on this response, you may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,



Dale E. Maul
Planning Director

cc: Phil Wheeler, ROPD
Kevin Kliethermes, FHWA
Steve Kvenvold
Richard Freese
Mike Sheehan
Nelrae Succio
Steve Kirsch
Greg Paulson
Mike Schweyen
Chad Hanson
Fred Sandal
Debbie Persoon-Bement
File

U.S. Department of Transportation
Federal Highway Administration
Minnesota Division
Phone (651) 291-6100



Galtier Plaza
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101-2904
Fax (651) 291-6000

February 13, 2004

*Received
March 15, 2004
(by hand delivery)*

The Honorable Carol Molnau
Lt. Governor
Department of Transportation
MS 100, Transportation Building
St. Paul, Minnesota 55155

Re: Environmental Assessment
S.P. 159-080-12, STP 5504 (103)
Overland Drive: From 65th Street NW/Bandel Road
to County Road 112 (18th Avenue NW) in the
City of Rochester, Olmstead County

Dear Ms. Molnau:

Enclosed are two copies of the signed Title Sheet for the referenced Environmental Assessment (EA) as requested by Ms. Mary Bieringer's letter dated January 23, 2004. The proposed project consists of new construction of approximately of 1.1 mile. Three-lane arterial urban roadway connection Bandel Road NW to County Road 112 (18th Ave NW). Reconstruction of 1,100 ft on 65th Street. NW and realignment of 1,200 feet of Bandel Road NW in 2005. 65th Street NW will be a four-lane arterial roadway and Bandel Road will be three-lane collector roadway in the City of Rochester, Olmstead County.

The EA may now be made available for public review and comment. MnDOT's request for a Finding of No Significant Impact (FONSI) must be supported by the following documentation:

- An updated EA or attachments reflecting changes to the proposed action, anticipated impacts or proposed mitigation resulting from the public involvement process, including the public hearing.
- Public hearing transcript (if one is held), other comments received on the EA and responses to all substantial comments received.

- Any necessary findings and/or determinations required for the proposal (e.g. Section 106, Section 4f).
- EA including responses to comments enclosed.

The Federal Highway Administration's FONSI will be based upon the adequacy of the EA, and other documentation, to support the conclusion that the project will have no significant social, environmental or economic impacts.

If you have any questions, please contact me at (651) 291-6123.

Sincerely yours,



Kevin N. Kliethermes
Construction and Contract Administration Engineer

Enclosure

KNK/bjv

cc: 2 MnDOT
1 MnDOT – Steve Kirsch –District 6-Rochester State Aid ✓
1 MnDOT – Andy Schmidt – District 6 – Rochester State Aid
1 MnDOT – Mary Bieringer (Original), MS 650
1 Kliethermes
1 RF
1 PDR File: Olmstead County (Original)
Action tracker # 2548
Document No. 19441

Comments on EA: Overland Drive - From 65th Street NW/Bandel Road to County Road 112(18th Ave NW) in Rochester, Olmsted County

- 1) As proposed Overland Drive is portray as a local collector not an arterial roadway.**

The proposed project is combining two separate roadway system projects into one. While this approach has a cost savings it creates an enormous safety hazard within the corridor with increase traffic in a residential development /school zone /park zone.

- 2) The proposed project is developed with an incorrect West Project Termini of 65th Street NW and Bandel Road, The proposed project, shall use the proper termini of 50th Street Ave NW.**

The proposed project needs to address the continuation of the proposed East -West arterial 65th Ave to the West of TH 52.

In addition, the environmental document needs to address the connection of Bandel Road and 65th Street, in the situation, where proposed Overland Drive is not constructed prior to that development and the new section of 65th Street needs to be constructed.

- 3) Direct East-West Arterial Roadway Alternative from CR 112(18th Ave NW) to 50th Ave NW: After further review of the Environmental Document a prefer alternative that was not discussed that will have diminish significant social, environmental and economic impacts and will provide for a safer alternative then proposed need to be equitably evaluated. This alternative meets the purpose and need of the proposed project while providing a safer alternative. The alternative also includes a connection within the Big De Development of proposed local collector Overland Drive and local road, Bandel Drive NW. This could include a phased construction of proposed extension of Bandel Road to 65th Street NW. This arterial alternative would be eligible for federal funding the proposed alternative would not.**

As Stated on Page 1 Project Description

New construction of a 1.1 mile. Three-lane arterial urban roadway connection Bandel Road NW to County Road 112 (18th Ave NW). Reconstruction of 1,100 ft on 65th Street. NW and realignment of 1,200 feet of Bandel Road NW in 2005. 65th Street NW will be a four-lane arterial roadway and Bandel Road will be three-lane collector roadway.

The proposed project is tying a four-lane arterial urban roadway, 65th Street NW to a three lane local collector, Overland Drive. The proposed project should separate the two systems and connection the local roads with a direct East-West Arterial roadway.

*As stated on Page 2 in the **PURPOSE AND NEED FOR PROJECT***

“ Currently, there are no east-west roadways connecting Bandel Road and CR 112(18th Avenue NW) between 55th Street and 75th Street NW, a distance of approximately two miles”

By constructing the proposed project, growth will be restrict by the end termini as the property east to proposed connection of Overland Drive and County Road 122(18th Ave NW) is a zero growth area. If a project termini is constructed at or close to existing 65th Street NW on the east end could aid in the future growth and continue addressing relieving congestion on other east-west arterial roadways in the area.

- 4) Project needs to be evaluated based on having independent utility with consideration of proposed future projects not determined based on proposed projects. Eliminate all references for an interchange project at 65th Street NW and TH 52.**

As stated on Page 2 of Environmental Assessment

The project also includes a minor realignment of Bandel Road in 2005. He realigned Bandel Road is necessary to avoid direct connection with the TH 52 access ramps provide a safe separation distance between intersections, and to provide a direct continuation of the frontage road North and South of 65th Street NW. The interchange ramps will be built in 2006. The new interchange will reduce future congestion at the 55th Street NW interchange. The 65th Street interchange with TH 52 has separate environmental documentation.

Eliminate all reference throughout document that an interchange and ramps will be constructed in 2006. This is a proposed project at this time no approvals have been given. While design should not restrict future projects, it is not a determining factor to justify a proposed project. The addition of an interchange at TH 52 and 65th Street NW appears to be an additive to the proposed project document and is therefore not consistently addressed thought-out the document.

5) Additional Alternatives and Advantages:

A) Addition Alternative that address Advantages/Disadvantages of North/South Connection Alternatives

Direct East-West Connection of 65th Street NW

Advantages:

- a) Provides for an East West arterial connections from CR 112(18th Ave NW) to Bandel Road in addition continues a direct route to 50th Ave and provide for future growth to the East of CR 112(18th Ave NW).
- b) Provides for a midpoint connection between 55th and 75th Streets NW.
- c) Provides for future Growth of local Collector systems as Residential and business development is required in the area in a managed plan.
- d) Provide for a Safety roadway system for Residential developments in the area
- e) Provide for additional growth for the City of Rochester in the Northeast Corner property in which was going to be offered to adjacent property owners as minor remnants because of future access from other alternatives would be loss.
- f) Development can be phased as to develop local collector Overland Drive and Bandel Drive, while development of 65th Street can be competed in a phased construction as growth is required.
- g) Provides safe trails for pedestrians and bicyclists.
- h) Provides for increase development along its entire length.

Disadvantages:

- a) Additional Right-of-way to be purchased.

B) As listed in the proposed project Environmental Document, the North/South Alternatives Advantages listed on page 4 and 5 are not consistent with one another. The same issues are address for and against each alternative confusing the real issues of each Alternative.

6) Other issues that not address but warrant further discussion Documentation.

- 1. The Environmental Document is not consistent with the EA for CSAH 14/TH 52 interchange and related TH 52 Access Management improvements.
- 2. The Overall Planning of roadway development appears to be disconnected. By the proposed layout it appears the proposed system with add to, not reduce congestion in the area.

3. Is 65th Street NW currently planned as an Arterial roadway? Why is Overland Drive justified as an Arterial roadway? Overland and Bandel Drives are local collectors. Bandel Road is a frontage road. The proposed project seems to confuse the definitions of a roadway system (i.e. arterials and collectors). What roadways are on an approved system.. What roadways are on a planned system and what are not?
4. As the proposed project stand it is not eligible for Federal Funds as a local collector.
5. The Environmental Document uses an improper West terminus; the proper termini should be 50th Ave NW.
6. Delete all references connecting the project to an interchange at TH 52 and 65th Ave.
7. No STIP Reference, is this going to be amended. No submittal has been received by FHWA at this time.
8. No real alternative reviewed. An assessment is needed a direct East West arterial roadway that would connect existing 65th Street NW from the West to the East at County Road 112 (18th Ave NW). This alternative should provide for an intersection at or close to the existing 65th Street NW to the East of County Road 112 (18th Ave NW) as the current proposed project restricts growth as it terminates at a no growth area on the east end.
9. Description of existing and proposed roadway from the West at 50th Ave NW to the East at County Road 112(18th Ave NW):

Substandard two-lane roadway, four-lane bridge, four-lanes roadway and then a two-lane roadway with a center turn lane.

Overland Drive EA/EAW Update

Attachment 4

City of Rochester Resolution of Negative Declaration

RESOLUTION

WHEREAS, Overland Drive is planned for construction along with the adjacent Bandel Road/65th Street reconstruction and said project meets the criteria established for preparation of a state Environmental Assessment Worksheet (EAW) and a federal Environmental Assessment (EA); and

WHEREAS, the laws of the State of Minnesota require that an Environmental Assessment Worksheet (EAW) be prepared for road construction projects exceeding one mile at new locations (Minnesota Rules 4410.4300, subp. 22a); and

WHEREAS, federal funds have been approved for said project that qualifies as a Class III Action, necessitating that an Environmental Assessment (EA) be prepared according to federal regulations 40 CFR 1500-1508; and

WHEREAS, the Minnesota Department of Transportation has prepared guidelines for the development of a joint EA/EAW that satisfies both federal and state requirements; and

WHEREAS, the City of Rochester is the Responsible Governmental Unit (RGU) for the EAW portion of the joint environmental review process, and as project proposer, is also responsible for the preparation of the EA/EAW and its related documents; and

WHEREAS, notice of availability of the EA/EAW was published in the *EQB Monitor* on February 16, 2004 and the thirty day public comment period expired on March 17, 2004, and during such period written comments were received from nine entities and responses to those comments were prepared as an element of the EA/EAW Update; and,

WHEREAS, the Common Council is required by law to make a finding on the adequacy of the EAW and to determine whether an Environmental Impact Statement should be prepared; and

WHEREAS, the EA/EAW, the roadway planning and design process, the construction permit process, responses to comments received on this project, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this project; and

WHEREAS, this roadway project has impacts similar to accepted impacts from other roadway projects constructed to support urban growth that can be adequately mitigated under existing regulations; and

WHEREAS, the Common Council met on March 22, 2004 and considered the EAW, the reports of its staff, and the comments received from the parties as noted above.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester, that the Common Council makes the following FINDINGS with regard to the environmental impact of the construction of Overland Drive and the reconstruction of Bandel Road and 65th St. NW:

FINDINGS OF FACT

Procedural History

1. The project, per se, has no prior permit history or environmental review prior to this EA/EAW. Environmental review in nearby projects has occurred with three development proposals and

the reconstruction of TH 52.

2. The EA/EAW was prepared by the City of Rochester as RGU according to state and federal environmental review requirements, including publishing the EA/EAW Notice of Availability, holding a 30-day public comment period, and preparing responses to comments received during this time. The City's responses to comments are hereby incorporated into the EA/EAW Update.

Community Involvement Process

3. Three development proposals adjacent to the proposed Overland Drive have undergone the development review process and the EAW process, both of which provided opportunities for public comment on the need for and alignment of Overland Drive.
4. Project funding is reaffirmed by the City Council each year during the adoption of its six-year Capital Improvement Program. The budget adoption process consists of 2-3 public meetings, at least one of which is a Public Hearing that present additional opportunities to comment on proposed capital projects, such as Overland Drive.
5. This EA/EAW had a public comment period between February 16 and March 17, 2004.
6. A public meeting advertised in the EQB Monitor, the Rochester Post Bulletin, and through individual mailings to property owners adjacent to Overland Drive was held on March 4, 2004.
7. A subsequent mailing to property owners along Trapper Lane provided additional opportunity for comment prior to close of the EA/EAW comment period.

Proposed Project Description

8. New construction in Rochester, MN of Overland Drive (a 1.1-mile, three-lane urban collector roadway), from 65th St. NW to County Road 112. This project will include new construction of 500 ft. of 65th St. NW between Overland Drive and the eastern terminus of the ROC 52 project. As part of the ROC 52 project, the remaining 650 ft. of 65th St. NW westerly to TH 52 will be reconstructed between Overland Drive and TH 52. All of 65th St. NW will be a four-lane arterial roadway. Finally, realignment and reconstruction of 1200 ft. of Bandel Road, a three-lane urban collector roadway, will also take place as a related, but separate project. Construction of all segments will occur in 2004 or 2005, depending on staging needs of the ROC 52 project.
9. The project description was modified in the EA/EAW Update to add the completion of 500 ft. of 65th St. NW at the western terminus of Overland Drive to the Overland Drive project to insure that a connection to the contracted construction/project limits of the ROC 52 project is made. This additional 500-foot segment was evaluated in the EA/EAW as part of the related 65th St. NW/Bandel Road construction. Only the construction staging/sequencing for the 500 ft. segment of 65th St. NW has been changed.
10. Three integrated organizations (TTAC, ROCOG, and the ATP) had a coordinated role in evaluating the alternatives and termini used to define the proposed project. Four key criteria were identified, from which 11 alternative alignments were evaluated. Two of those alignments and the no build alternative were brought forward for EA/EAW evaluation. Eligibility for and approval of federal funding for the project is confirmed in the 2003-2005 and 2004-2006 State Transportation Improvement Programs.

Summary of Findings Regarding Social, Economic, and Environmental Impacts

11. Project construction will convert 20 acres of agricultural land, lawn/landscaped area, woods, and grasslands to a roadway that will serve urban development in an area designated as part of Rochester's 25-Year Urban Service Area.
12. The MN DNR has concluded that the project will not affect any of the rare species that have known occurrences within 1 mile of the project area. No federal threatened, endangered or

candidate species occur within the project area and will therefore not be impacted.

13. There are no impacts on water use or water resources, including wetlands.
14. The project area contains three highly erodible soil types that will be disturbed as part of construction. NPDES permit requirements will be followed to control erosion and sedimentation, including the use of BMPs appropriate for these soil and slope conditions.
15. Because the project will increase the amount of impervious surface, the increase in storm water runoff will be collected in a storm water conveyance system and directed to in place water quality treatment ponds located near the project area to reduce impacts to the South Fork of the Zumbro River and its tributaries.
16. No wastewater or liquid animal manure will be generated as part of this project.
17. Depth to bedrock (Prairie du Chein limestone) is between 0 and 50 ft, but depth to groundwater ranges from approximately 80 to 150 ft. No sinkholes have been identified on site and the probability of sinkhole occurrence is low to low-moderate.
18. No above or below ground storage tanks exist along the route; hazardous wastes will not be produced, but spill containment and control plans for any hazardous materials used during construction will be the responsibility of the contractor; minimal amounts of construction debris will be created and will be managed at permitted solid waste management facilities.
19. Increased traffic (projected 10,160 ADT in 2024) will be managed through appropriate roadway design and installation of needed traffic controls. EPA's screening method and MnDOT's conformity requirements do not indicate a need for additional air quality analysis.
20. Construction-related noise and dust will be temporary and managed through standard noise and dust control specifications and ordinances that control hours of operation.
21. There are no Section 106 impacts on historical, architectural, or archaeological resources. There are no designated parks, recreation areas, trails, scenic views and vistas, visual impacts, or other unique resources present. Therefore, there are no Section 4(f) issues.
22. Three acres of prime/unique farmland were identified, but they are non-contiguous parcels and not within an agricultural preserve. Due to their size, location, and relative agricultural value, avoidance of these areas is impractical.
23. The project is compatible with existing City and County land use plans, transportation and thoroughfare plans, and land use regulations.
24. Beyond that described above, no additional utilities, infrastructure or public services are needed to serve the project.
25. Cumulative impacts will result from residential and commercial development that will be served by the project. These impacts are accounted for in the City and County land use plans, transportation and thoroughfare plans, and addressed through land use regulations.
26. Minor impacts to the Trapper Lane neighborhood are expected. A relocated access to the five parcels along Trapper Lane will be addressed through the construction of a northbound bypass lane and a southbound right turn lane. The bypass lane will serve as a right turn for entrance to Trapper Lane from the south and as an acceleration lane for northbound exits. Similarly, the right-turn lane will serve southbound traffic entering Overland Drive from the north without impeding southbound traffic on CR 112. Trapper Lane will be moved 75 ft. north to improve intersection safety and regarded to improve the incline to the intersection.
27. A 10 ft. bike trail will be constructed on both sides of Overland Drive in consideration of pedestrian and bicycle traffic. These trails will connect into the Rochester bike trail system as delineated in the 1999 ROCOG Long Range Bicycle Plan.
28. There are no minority or low-income populations in this area and therefore no environmental justice issues associated with disproportionately high or adverse human health or environmental impacts to them.
29. The project will have a minimal impact on the agricultural economy due to a loss of agricultural land that will be offset by a larger, positive impact resulting from urban growth.

30. One building site will be impacted by the realignment of Bandel Road. Other vacant land will be dedicated or acquired as right-of-way. Both impacts will be offset through property purchase or right-of-way agreements.
31. No noise mitigation is required as a function of this project.

Additional Concerns Described in Comment Letters

32. The type and speed of traffic on CR 112 and its impact on the new location, elevation, and access plan for Trapper Lane. See Findings #9, 10, and 16 above.
33. Increases in impervious surface result in storm water management needs; techniques should be considered to promote groundwater recharge in addition to insuring that NPDES Phase II construction storm water permit requirements are properly implemented. See Findings #4 and 5 above.
34. Contractors should be alert to the possible presence of Blanding's Turtles and the need to exercise due diligence in sediment control to prevent downstream sedimentation to the Zumbro River that could impact Elktoe Mussel habitat. See Finding #2 above.
35. The utility of Overland Drive needs to be demonstrated separate from the ROC 52 improvements, but coordination of project limits and timing between the projects is necessary; in particular, to clarify that an overpass is planned for 65th St. NW and an interchange at that location has not yet been formally approved. See Finding #15 and the Findings of Fact - Proposed Project Description.
36. Functional classifications for Overland Drive need clarification; the ROCOG and federal functional classification systems assign different classifications. See the Findings of Fact - Proposed Project Description.
37. Expanded study and planning for transportation needs in this area is needed; in particular, a frontage road west of TH 52 and an arterial connection east of CR 112 to address congestion issues. Without this, the scope of this EA/EAW is inadequate and the alternatives analysis incomplete. See the Findings of Fact - Proposed Project Description.
38. Funding eligibility is questionable without a STIP reference. See the Findings of Fact - Proposed Project Description.

Findings With Respect to the Criteria to Determine the Potential for Significant Environmental Effects

39. The following table summarizes the type, extent, and reversibility of reasonable expected impacts and the extent to which each is subject to mitigation by ongoing public regulatory authority for the project as proposed. The City of Rochester finds that the project as proposed does not have the potential for significant impact in any of these areas based on the type, extent, and reversibility of the impacts that are reasonably expected to occur. The City further finds that ongoing public regulatory authority is sufficient to address the impacts that were identified as reasonably expected to occur, as noted below.

Type of impact	Extent of impact	Reversibility	Mitigation
Land conversion	Along roadway	Permanent	None – consistent with Land Use Plans
Highly erodible soils	Along roadway	Temporary	NPDES permit and implementation of appropriate BMPs

Increased impervious area	Along roadway	Permanent	Storm water management BMPs as per the City Storm Water Management Plan and ordinances
Increased traffic	Along roadway	Permanent	Roadway design and traffic controls as dictated by MnDOT and FHWA standards and as integrated with ROCOG Thoroughfare Plan
Construction-related noise and dust	Along roadway	Temporary	Hours of operation ordinance; language in specifications to control noise and odors
Trapper Lane access	Intersection of Trapper Lane and Overland Drive	Permanent	Added turn/acceleration lanes, selected intersection alignment, and improved access grade as provided in the design plans.
Pedestrian/Bicycle safety	Along roadway	Permanent	Construction of trails on both sides of Overland Drive as provided in the design plans.
Agricultural Economy	In Urban Service Area	Permanent	None; offset by economic gains associated with urban growth
Displacement of existing residents due to ROW acquisition	Along roadway	Permanent	Purchase of one occupied parcel; remaining ROW needs are from vacant land to be acquired through dedication, purchase or easement
Cumulative impacts due to road construction	In Urban Service Area	Permanent	None – consistent with Land Use Plans and Transportation Plan

40. Cumulative potential effects of residential and commercial development facilitated by this roadway will extend throughout this portion of the Urban Service Area as provided under the City and County Land Use Plans. Individual developments that meet environmental thresholds will need to independently complete EAWs to address their particular environmental impacts. Similarly, traffic impacts on neighboring roadways from this project are addressed in long range, comprehensive roadway network planning as outlined in the ROCOG Thoroughfare Plan. The City of Rochester finds that reasonably expected cumulative potential effects of related or future projects will not be significant.
41. Other available environmental studies were reviewed during the preparation of this EA/EAW, including the TH 52 EIS/EAW Update and three EAWs prepared for nearby residential developments by the Rochester-Olmsted Planning Department. The information contained therein was considered in conjunction with the impacts identified in this EA/EAW. Mitigation proposed above is consistent with the types and extent of mitigation proposed in those related projects. Additional environmental effects or mitigation measures beyond that already identified in the 5 aforementioned environmental reviews would not be expected with further environmental review or study. Additionally, the process of designing and constructing roadways is routine. The community of professional engineers involved in design and construction, as well as regulators associated with such construction, is very familiar with the

principles of environmentally protective design and construction. There are no elements of the project that pose the potential for significant impacts that cannot be addressed in the project design and permit development process and through regional and local planning. Based on the environmental review for this project, previous environmental reviews associated with nearby projects, and expertise in constructing similar projects, the City of Rochester finds that the impacts of the project that are reasonably expected to occur can be anticipated and controlled.

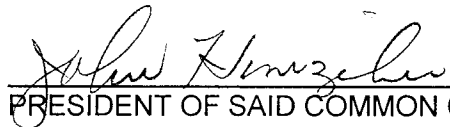
42. Any above findings that might properly be termed conclusions and any conclusions that might be properly termed findings are hereby adopted as such.


BE IT FURTHER RESOLVED that based on the findings above and on the criteria established in MN Rules 4410.1700, the Common Council has determined that the construction of Overland Drive and the adjacent reconstruction of Bandel Road and 65th Street NW do not have the potential for significant environmental effects reasonably expected to occur from this project as proposed and that preparation of an Environmental Impact Statement is not required. This declaration concludes the Minnesota portion of the environmental assessment process.

BE IT FURTHER RESOLVED that the City requests a Finding of No Significant Impact from the Federal Highway Administration to conclude the federal portion of the environmental assessment process for this project.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF

ROCHESTER, MINNESOTA, THIS 22nd DAY OF MARCH, 2004.


PRESIDENT OF SAID COMMON COUNCIL

ATTEST 
CITY CLERK

APPROVED THIS 23rd DAY OF MARCH, 2004.


MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)